

Legislature, also to cover unpaid expenses of the Regular Session and the First Called Session of the Forty-fourth Legislature; providing for a public record of money appropriated under this Act, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendments Nos. 1 and 2, and be not printed.

REDDITT, Chairman.

**Committee Amendment No. 1.**

Amend H. B. No. 134 by striking out the words and figures "Fifty Thousand Dollars (\$50,000.00)" in lines 2 and 3 of Section 1 and substituting "Seventy Five Thousand Dollars (\$75,000.00) in lieu thereof.

**Committee Amendment No. 2.**

Amend H. B. No. 134 by amending the caption to conform with the bill.

Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 116, A bill to be entitled "An Act making certain emergency and supplemental appropriations out of the General Fund of the State of Texas for the Prison System, and for the State Tuberculosis Sanatorium, and for the Agricultural Experiment Station, A. & M. College, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations for the fiscal years ending August 31, 1936, and August 31, 1937, respectively; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in the form and manner written, and that it be not printed.

REDDITT, Chairman.

**THIRTEENTH DAY—Continued.**

Senate Chamber,

Austin, Texas,

November 14, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess and was called to order by Senator K. M. Regan.

**At Ease.**

On motion of Senator Hill, the Senate stood at ease subject to the call of the Chair.

**Called to Order.**

The Chair called the Senate to order at 10:30 o'clock a. m.

**House Bill No. 116.**

The Chair appointed as conferees on the part of the Senate on H. B. No. 116 the following Senators:

Burns, Beck, Moore, Van Zandt, and Nelson.

**Senator Excused.**

Senator DeBerry was excused on motion of Senator Pace on account of illness.

**Message From the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 21, Granting permission to C. D. Scroggins and L. S. Scroggins to sue the State Highway Department for property damages.

S. C. R. No. 25, Granting J. C. Trachta of Muenster, Texas, permission to sue the State of Texas and the Highway Department for damages.

S. C. R. No. 17, Memorializing the Congress and the President of the United States for legislation to relieve hardships suffered by certain counties and districts as a result of the reforestation program.

S. B. No. 8, A bill to be entitled "An Act to amend Section 9, Senate Bill No. 19, Acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act to amend Chapter 3 of Title 42 of the Revised Civil Statutes of Texas of 1925 by adding thereto a new article to be known as Article 2033-B, providing for the service of citation or other civil processes, and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act applying only to independent school district in counties having a population of not less than thirty-two thousand five hundred (32,500) and not more than thirty-seven thousand five hundred (37,500) according to the last preceding Federal census; authorizing said school districts to fund into time warrants all outstanding obligations of said school districts which existed on November 12, 1935; prescribing the terms and conditions of issuance of said time warrants; authorizing said school districts to borrow money in a sum not to exceed fifteen thousand dollars (\$15,000.00) with which to pay current expenses for the school year 1935-36; providing for the levying of a tax to pay the same and fixing the rate of interest thereon; prescribing the terms and conditions of said time warrants; and declaring an emergency."

H. B. No. 127, A bill to be entitled "An Act amending and re-enacting Section 18a of the Acts of the Forty-fourth Legislature, Chapter 116, Regular Session, relative to the establishment of itinerant beauty shops, providing exceptions and adding Section 18a providing for the amendment of Section 7 of the aforementioned Act; etc., and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act making an appropriation out of the general revenue funds of the State of Texas for the Brazos River Conservation and Reclamation District, to aid said district to start immediate work on its program of construction; said funds to be returned to the State of Texas, and declaring an emergency."

The House has concurred in Senate Amendments to H. B. No. 134 by a vote of 129 yeas and 8 nays.

The House has concurred in Senate amendments to H. B. No. 109 by a vote of 128 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 66 by a viva voce vote.

Respectfully submitted.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### **Bill and Resolution Referred.**

H. C. R. No. 21 was referred to the Committee on State Affairs.

H. B. No. 127 was referred to the Committee on Public Health.

#### **Senate Bill No. 5.**

Senator Davis sent up the following Conference Committee report:

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives:  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Conference Committee appointed to adjust the differences between the two Houses on S. B. No. 5,

Have had the same under consideration and beg to recommend that the bill pass in the form attached hereto.

DeBERRY,  
DAVIS,  
MOORE,  
ONEAL,  
PACE,

On the part of the Senate.

ALSUP,  
LINDSEY,  
DUVALL,  
KNETSCH,  
McCALLA,

On the part of the House.

#### **A BILL**

#### **To Be Entitled**

An Act relating to the compensation of district, certain designated county and precinct officers and providing the method and means by which such officers shall be compensated for their services; providing for the appointment and payment of deputies, assistants, clerks and employees in district, county and precinct offices; limiting the payment of fees and commissions by the State in certain instances; requiring the keeping of books and records by such officers and the making of reports to designated authorities; providing for the creation of an "Officers Salary Fund and Salary Funds in certain counties and providing for the contribution to such fund by the State and County; prescribing rules and regulations for the collecting, depositing, keeping and disbursing of said funds and the purposes for which same may be disbursed; providing for the disposition of fees and commissions collected by officers; making an appropriation; providing that this Act shall become ef-

fective on and after January 1st, 1936; providing that this Act shall be cumulative of all existing laws not in conflict herewith, and declaring the policy and intension of the Legislature; declaring the Act to be severable; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No district officer shall be paid by the State of Texas any fees or commission for any service performed by him; nor shall the State or any county pay to any county officer in any county containing a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal Census any fee or commission for any service by him performed as such officer, provided however that the assessor and collector of taxes shall continue to collect and retain for the benefit of the Officers Salary Fund or funds hereinafter provided for, all fees and commissions which he is authorized under law to collect; and it shall be his duty to account for and to pay all such monies received by him into the fund or funds created and provided for under the provisions of this Act; provided further, that the provisions of this section shall not affect the payment or costs in civil cases by the State, but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this Act to account for fees, commissions and costs collected from private parties.

Sec. 2. The Commissioners' Court of each county in the State of Texas, at its first regular meeting in January of each calendar year, shall by order made and entered in the minutes of said Court, determine whether precinct officers of such county (except public weighers and registrars of vital statistics) shall be compensated on a salary basis as provided for in this Act, or whether they shall receive as their compensation, such fees of office as may be earned by them in the performance of the duties of their offices, and it shall be the duty of the County Clerk of each county to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st day of January a certified copy of such order. In counties having a population less than twenty thousand (20,000) inhabitants according to the last preceding Federal Cen-

sus, it shall likewise be the duty of the Commissioners' Court, by its order duly made and entered of record at its first regular meeting in January of each calendar year, to determine whether county officers of such county (excluding county surveyors, registrars of vital statistics and notaries public) shall be compensated for the fiscal year on the basis of an annual salary or whether they shall be compensated on the basis of fees earned by them in the performance of their official duties, and it shall also be the duty of the county clerk to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st. day of January a certified copy of said order of said Commissioners' Court.

Sec. 3. In all cases where the Commissioners' Court shall have determined that county officers or precinct officers in such county shall be compensated for their services by the payment of an annual salary, neither the State of Texas nor any county shall be charged with or pay to any of the officers so compensated, any fees or commission for the performance of any or all of the duties of their offices but such officers shall receive said salary in lieu of all other fees, commissions or compensation which they would otherwise be authorized to retain; provided, however, that the assessor and collector of taxes shall continue to collect and retain for the benefit of the Officers' Salary Fund or funds hereinafter provided for all fees and commissions which he is authorized under law to collect; and it shall be his duty to account for and to pay all such monies received by him into the fund created and provided for under the provisions of this Act; provided further, that the provisions of this section shall not affect the payment of costs in civil cases by the State but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this Act to account for fees, commissions and costs collected from private parties.

Sec. 4. In all counties of this state containing a population of less than 190,000 inhabitants according to the last preceding Federal Census wherein the county or precinct officers are compensated on a salary basis under the provisions of this Act, there shall be created a fund to be known as the "Officers Salary Fund

of \_\_\_\_\_ County, Texas." Such fund shall be kept separate and apart from all other county funds, and shall be held and disbursed for the purpose of paying the salaries of officers and the salaries of deputies, assistants and clerks of officers who are drawing a salary from said fund under the provisions of this Act, and to pay the authorized expenses of their offices. Such fund shall be deposited in the County Depository and shall be protected to the same extent as other county funds.

Sec. 5. It shall be the duty of all officers to charge and collect in the manner authorized by law all fees and commissions which are permitted by law to be assessed and collected for all official service performed by them. As and when such fees are collected they shall be deposited in the Officers' Salary Fund, or funds provided in this Act. In event the Commissioners' Court finds that the failure to collect any fee or commission was due to neglect on the part of the officer charged with the responsibility of collecting same, the amount of such fee or commission shall be deducted from the salary of such officer. Before any such deduction is made, the Commissioners' Court shall furnish such officer with an itemized statement of the uncollected fees with which his account is to be charged, and shall notify such officer of the time and place for a hearing on same, to determine whether such officer was guilty of negligence, which time for hearing shall be at least ten days subsequent to the date of notice. Unless an officer is charged by law with the responsibility of collecting fees, the Commissioners' Court shall not in any event make any deductions from the authorized salary of such officer.

Sec. 6. (a) In counties wherein the county officials are on a salary basis, in addition to the monies deposited in said Officers' Salary Fund or funds under the provisions of Sections 1, 3 and 5 of this Act there shall be deposited therein quarterly on the first day of January, April, July and October of each year, such sums as may be apportioned to such county under the provisions of this Act, out of the available appropriations made by the Legislature for such purposes, provided, however, that in counties wherein the Commissioners' Court is authorized to determine whether

county officers shall be compensated on a salary basis, no apportionment shall be made to such county until the Comptroller of Public Accounts shall have been notified of the order of the Commissioners' Court that the county officers of such county shall be compensated on a salary basis for the fiscal year, and in that case the first quarterly payment of such apportionment shall be made in fifteen (15) days after receipt of such notice by the Comptroller, and the remaining payments on the dates hereinabove prescribed. It shall be the duty of the Comptroller of Public Accounts to annually apportion to all counties in which the county officers are to be compensated on the basis of a salary any monies, appropriated for said year for such apportionment; each county entitled to participate in such apportionment shall receive for the benefit of its Officers' Salary Fund or funds its proportionate part of the appropriation which shall be distributed among the several counties entitled to participate therein, on the basis of the per capita population of each county according to the last preceding Federal Census; provided that the annual apportionment for such purposes shall not exceed fourteen (14¢) cents per capita of said population of each county where county officers are compensated on a salary basis under the provisions of this Act. Provided that in all counties which had a population of less than 60,000 in 1930 according to the last preceding Federal Census and which have now, ad valorem valuations for all purposes according to the last approved tax roll of such county, which have increased at least 50 per cent over the valuation for 1930, the amount to be paid to each of said counties for its salary fund shall be the sum not to exceed 25 cents per capita based on the 1930 population. The quarterly payment of such apportionment of such appropriation shall be made on warrants drawn by the State Comptroller upon the State Treasury payable to the county treasurer of the county in whose favor the apportionment is made and said warrants shall be registered by the Comptroller and the Treasurer and shall be mailed by the Comptroller to the treasurer of the county.

(b) No officer receiving a salary shall hereafter receive any ex officio

compensation; provided, however, the Commissioners' Court shall transfer from the General Fund of the county to the Officers' Salary Fund or funds of such county such funds as may be necessary to pay the salaries and other claims chargeable against the same when the monies deposited therein are insufficient to meet the claims payable therefrom.

(c) Any monies remaining in the Officers' Salary Fund or funds of any county at the end of any fiscal year after all salaries and authorized expenses incurred against said fund for said year shall have been paid may be by order of the Commissioners' Court transferred to the credit of the General Fund of the county.

Sec. 7. All monies drawn from said Officers' Salary Fund or funds shall be paid out only on warrants approved by the county auditor in counties having a county auditor; otherwise all claims against said fund shall first have been audited and approved by the Commissioners' Court of said county and the monies shall be disbursed on such approved claims by warrants drawn by the county treasurer on said fund.

No warrant shall be drawn on said fund or funds in favor of any person indebted to the State, county or to said fund or in favor of his agent or assignee until such debt is paid.

Sec. 8. Article 3896, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3896. Each district, county and precinct officer shall keep a correct statement of all fees earned by him, and all sums coming into his hands as deposits for costs, together with all trust funds placed in the registry of the court, fees of office and commissions in a book or in books to be provided him for that purpose, in which the officer at the time when such deposits are made or such fees and commissions are earned and when any or all of such funds shall come into his hands, shall enter the same; and it shall be the duty of the county auditor in counties having a county auditor to annually examine the books and accounts of such officers and to report his findings to the next succeeding grand jury or District Court. In counties having no county auditor, it shall be the duty of the Commissioners' Court to make the examination of said

books and accounts or have the same made and to make report to the grand jury as hereinabove provided."

Sec. 9. Article 3897, Revised Civil Statutes of Texas 1925, as amended by Section 5, Chapter 20, Acts of the Fourth Called Session of the 41st Legislature be and the same is hereby amended so as to hereafter read as follows:

"Article 3897. Each district, county and precinct officer at the close of each fiscal year (December 31st.) shall make to the District Court of the county in which he resides a sworn statement in triplicate (on forms designed and approved by the State Auditor) a copy of which statement shall be forwarded to the State Auditor by the clerk of the District Court of said county within thirty (30) days after the same has been filed in his office, and one copy to be filed with the county auditor, if any; otherwise said copy shall be filed with the Commissioners' Court. Said report shall show the amount of all fees, commissions and compensations whatever earned by said officer during the fiscal year; and secondly, shall show the amount of fees, commissions and compensations collected by him during the fiscal year; thirdly, said report shall contain an itemized statement of all fees, commissions and compensations earned during the fiscal year which were not collected, together with the name of the party owing said fees, commissions and compensations. Said report shall be filed not later than February 1st. following the close of the fiscal year and for each day after said date that said report remains not filed, said officer shall be liable to a penalty of Twenty Five (\$25.00) Dollars, which may be recovered by the county in a suit brought for such purposes, and in addition said officer shall be subject to removal from office."

Sec. 10. Article 3898, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3898. The fiscal year, within the meaning of this Act, shall begin on January 1st, of each year; and each district, county and precinct officer shall file his report and make the final settlement required in this Act not later than February

1st. of each year; provided, however, that officers receiving an annual salary as compensation for their services shall, by the close of each month, pay into the Officers' Salary Fund, or funds, all fees, commissions and compensation collected by him during said month. Whenever such officer serves for a fractional part of the fiscal year, he shall nevertheless file his report and make final settlement for such part of the year as he serves and shall be entitled to such proportionate part of his compensation as the time for his services bears to the entire year."

Sec. 11. Article 3899, Revised Civil Statutes of Texas, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 3899. (a) At the close of each month of his tenure of office each officer named herein who is compensated on a fee basis shall make as part of the report now required by law, an itemized and sworn statement of all the actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, premiums on officials' bonds, premium on fire, burglary, theft, robbery insurance protecting public funds, traveling expenses and other necessary expenses. The Commissioners' Court of the county of the Sheriff's residence may, upon the written and sworn application of the Sheriff stating the necessity therefor purchase equipment for the bureau of criminal identification, such as cameras, finger print cards, inks, chemicals, microscopes, radio and laboratory equipment, filing cards, filing cabinets, tear gas and other equipment in keeping with the system in use by the Department of Public Safety of this State, or the United States Department of Justice and/or Bureau of Criminal Identification. If such expenses be incurred in connection with any particular case, such statement shall name such case. Such expense account shall be subject to the audit of the county auditor, if any, otherwise by the Commissioners' Court; and if it appears that any item of such expense was not incurred by such officer, or such item was not a necessary expense of office, such item shall be by such auditor or court rejected, in which case the collec-

tions of such item may be adjudicated in any court of competent jurisdiction. The amount of salaries paid to assistants and deputies shall also be clearly shown by such officer, giving the name, position and amount paid each; and in no event shall any officer show any greater amount than actually paid any such assistant or deputy. The amount of such expenses, together with the amount of salaries paid to assistants, deputies and clerks shall be paid out of the fees earned by such officer. The Commissioners' Court of the county of the sheriff's residence may, upon the written and sworn application of the sheriff stating the necessity therefor, allow one or more automobiles to be used by the sheriff in the discharge of his official duties, which if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the General Fund of the county, and they shall be and remain the property of the county. The expense of the maintenance, depreciation and operation of such automobiles as may be allowed, whether purchased by the county or owned by the sheriff or his deputies personally, shall be paid for by the sheriff and the amount thereof shall be reported by the sheriff, on the report above mentioned, in the same manner as herein provided for other expenses.

(b) Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expenses necessary in the proper and legal conduct of his office, such expenses to be passed on, predetermined and allowed in kind and amounts, as nearly as possible, by the Commissioners' Court once each month for the ensuing month, upon the application by each officer, stating the kind, probable amount of expenditure and the necessity for the expenses of his office for such ensuing month, which application shall, before presentation to said court, first be endorsed by the county auditor, if any, otherwise the county treasurer, only as to whether funds are available for payment of such expenses. The Commissioners' Court of the county of the Sheriff's resi-

dence may, upon the written and sworn application of the Sheriff stating the necessity therefor purchase equipment for a bureau of criminal identification, such as cameras, finger print cards, inks, chemicals, microscopes, radio and laboratory equipment, filing cards, filing cabinets, tear gas and other equipment in keeping with the system in use by the Department of Public Safety of this state, or the United States Department of Justice and/or Bureau of Criminal Identification.

Such purchases shall be made by each officer, when allowed, only by requisition in manner provided by the county auditors, if any, otherwise by the Commissioners' Court. Each officer shall, at the close of each month of his tenure of office, make an itemized and sworn report of all approved expenses incurred by him and charged to his county, accompanying such report with invoices covering such purchases and requisitions issued by him in support of such report. If such expenses be incurred in connection with any particular case, such report shall name such case. Such report, invoices, and requisitions shall be subject to the audit of the county auditor, if any, otherwise by the Commissioners' Court, and if it appears that any item was not incurred by such officer, or that such item was not necessary or legal expense of such office, or purchased upon proper requisition, such item shall be by said county auditor or court rejected, in which case the payment of such item may be adjudicated in any court of competent jurisdiction. All such approved claims and accounts shall be paid from the Officers Salary Fund unless otherwise provided herein.

The Commissioners' Court of the county of the sheriff's residence may, upon the written and sworn application of such officer, stating the necessity therefor, allow one or more automobiles to be used by the sheriff in the discharge of official business, which, if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies and paid for out of the General Fund of the county, and they shall be reported and paid in

the same manner as herein provided for other expenses.

Where the automobile or automobiles, are owned by the sheriff or his deputies, they shall be allowed four (4¢) cents for each mile traveled in the discharge of official business, which sum shall cover all expenses of the maintenance, depreciation and operation of such automobile. Such mileage shall be reported and paid in the same manner prescribed for other allowable expenses under the provisions of this section. No automobile shall be allowed for any deputy sheriff except those regularly employed in outside work. It shall be the duty of the county auditor, if any, otherwise the Commissioners' Court, to check the speedometer reading of each of said automobiles owned by the county once each month and to keep a public record thereof; no automobile owned by the county shall be used for any private purpose.

Sec. 12. Article 3901, Revised Civil Statutes of Texas 1925, be and the same is hereby amended so that the same will hereafter read as follows:

"Article 3901. Each assessor and collector of taxes, at the time of his settlement with the Comptroller of Public Accounts of the State of Texas, shall file with the Comptroller a copy of the sworn statement required under Article 3897 as herein amended."

Sec. 13. The Commissioners' Court in counties having a population of twenty thousand (20,000) inhabitants or more, and less than one hundred and ninety thousand (190,000) inhabitants according to the last preceding Federal Census, is hereby authorized and it shall be its duty to fix the salaries of all the following named officers, to-wit: sheriff, assessor and collector of taxes, county judge, county attorney, including criminal district attorneys and county attorneys who perform the duties of district attorneys, district clerk, county clerk, and treasurer. Each of said officers shall be paid in money an annual salary in twelve equal installments of not less than the total sum earned as compensation by him in his official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under Laws

existing on August 24, 1935; provided that in counties having a population of twenty thousand (20,000) and less than thirty-seven thousand five hundred (37,500), according to the last preceding Federal Census, and having an assessed valuation in excess of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved preceding tax roll of such county the maximum amount allowed such officers as salaries may be increased one per cent (1%) for each One Million (\$1,000,000.00) Dollars valuation, or fractional part thereof, in excess of said Fifteen Million (\$15,000,000.00) Dollars valuation over and above the maximum amount allowed such officers under Laws existing on August 24, 1935; and provided that in counties having a population of thirty-seven thousand five hundred (37,500) and less than sixty thousand (60,000) according to the last preceding Federal Census, and having an assessed valuation in excess of Twenty Million (\$20,000,000.00) Dollars, according to the last preceding approved tax roll of such county, the maximum amount allowed such officers as salaries, may be increased one per cent (1%) for each One Million (\$1,000,000.00) Dollars valuation, or fractional part thereof, in excess of said Twenty Million (\$20,000,000.00) Dollars valuation over and above the maximum amount allowed such officer under Laws existing on August 24, 1935.

(a) The Commissioners' Court may authorize the employment of a stenographer by the county judge and pay for such services out of the General Fund of the county to an amount not to exceed Twelve Hundred (\$1200.00) Dollars per year.

(b) The compensation of a criminal district attorney or county attorney performing the duties of district attorney, together with the compensation of his assistants, shall be paid out of the County Officers' Salary Fund, but the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such criminal district attorney or county attorney performing the duties of a district attorney, together with the salary of his assistants, as all felony fees collected by such official during the year of 1935 bears to the total

fees collected by such official during such year.

Sec. 14. Article 3902, Revised Civil Statutes of Texas, 1925, together with all amendments thereto is hereby amended so as to hereafter read as follows:

"Article 3902. Whenever any district or county officer shall require the services of deputies, assistants or clerks in the performance of his duties he shall apply to the County Commissioners' Court of his county for authority to appoint such deputies, assistants or clerks, stating by sworn application the number needed, the position to be filled and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts from fees, commissions and compensation to be collected by said office during the fiscal year and the probable disbursements which shall include all salaries and expenses of said office; and said court shall make its order authorizing the appointment of such deputies, assistants and clerks and fix the compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of said court may be proper; provided that in no case shall the Commissioners' Court or any member thereof attempt to influence the appointment of any person as deputy, assistant or clerk in any office. Upon the entry of such order the officers applying for such assistants, deputies or clerks shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The compensation which may be allowed to the deputies, assistants or clerks above named for their services shall be a reasonable one, not to exceed the following amounts:

1. In counties having a population of twenty-five thousand (25,000) or less inhabitants, first assistant or chief deputy not to exceed Eighteen Hundred (\$1800.00) Dollars per annum; other assistants, deputies or clerks not to exceed Fifteen Hundred (\$1500.00) Dollars per annum each.

2. In counties having a population of twenty-five thousand and one (25,001) and not more than thirty-seven thousand five hundred (37,500) inhabitants, first assistant



or chief deputy not to exceed Two Thousand (\$2,000.00) Dollars per annum; other assistants, deputies or clerks not to exceed Seventeen Hundred (\$1700.00) Dollars per annum each.

3. In counties having a population of thirty-seven thousand five hundred and one (37,501) and not more than sixty thousand (60,000) inhabitants, first assistant or chief deputy not to exceed Twenty-one Hundred (\$2100.00) Dollars per annum; other assistants, deputies or clerks not to exceed Eighteen Hundred (\$1800.00) Dollars per annum each.

4. In counties having a population of sixty thousand and one (60,001) and not more than one hundred thousand (100,000) inhabitants, first assistant or chief deputy not to exceed Twenty-four Hundred Dollars (\$2400.00) per annum; other assistants, deputies or clerks not to exceed Twenty-one Hundred Dollars (\$2100.00) per annum each.

5. In counties having a population of one hundred thousand and one (100,001) and not more than one hundred and fifty thousand (150,000) inhabitants, first assistant or chief deputy not to exceed Twenty-six Hundred Dollars (\$2600.00) per annum; heads of departments may be allowed by the Commissioners' Court, when in their judgment such allowance is justified, the sum of Two Hundred Dollars (\$200.00) per annum in addition to the amount herein allowed, when such heads of departments sought to be appointed shall have previously served the county or political subdivision thereof for not less than two continuous years; other assistants, deputies or clerks not to exceed Twenty-three Hundred Dollars (\$2300.00) per annum each.

6. In counties having a population of one hundred fifty thousand and one (150,001) and not more than one hundred ninety thousand (190,000) inhabitants, first assistant or chief deputy not to exceed Three Thousand Dollars (\$3,000.00) per annum; other assistants, deputies or clerks not to exceed Twenty-four Hundred Dollars (\$2400.00) per annum each.

Sec. 15. The Commissioners' Court in counties having a population of less than twenty thousand (20,000) inhabitants, according to

the last preceding Federal Census at the first regular meeting in January of each calendar year, may pass an order providing for compensation of all county and precinct officers, on a salary basis, and in the event said court passes such order, they shall pay unto each of said officers in money an annual salary in twelve equal installments of not less than the total sum earned as compensation by said officer in his said official capacity for the fiscal year 1935, and not more than the maximum amount allowed such officer under laws existing August 24, 1935, provided, that in counties having a population of less than twenty thousand (20,000) inhabitants, according to the last preceding Federal Census, and having an assessed valuation in excess of Ten Million Dollars (\$10,000,000.00) according to the last preceding approved tax roll of such county the maximum amount allowed such officers as salaries may be increased one per cent (1%) for each One Million Dollars (\$1,000,000.00) valuation, or fractional part thereof, in excess of said Ten Million Dollars (\$10,000,000.00) valuation over and above the maximum amount allowed such officers under Laws existing on August 25, 1935; provided, however, no salaries covered by this section shall exceed the sum of Four Thousand Five Hundred Dollars (\$4,500.00) regardless of the percentage of increases in population and valuation and provided further that in all counties having a population of not less than twenty thousand and one (20,001) and not more than twenty-five thousand (25,000), according to the last preceding Federal Census and which has an assessed valuation in excess of Twenty-five Million (\$25,000,000.00) Dollars according to the last preceding approved tax roll of such counties, the County Judge, Sheriff, County Attorney, Assessor and Collector of Taxes, County Clerk and District Clerk, the maximum salary is hereby fixed at Thirty-seven Hundred and Fifty (\$3,750.00) Dollars.

Sec. 16. In counties having a population of less than twenty thousand (20,000) inhabitants according to the last preceding Federal Census, all county officers shall continue to be compensated for their services on a fee basis until the Commissioners' Court

shall have determined otherwise, in accordance with the provisions of Section 2 of this Act.

Sec. 17. (a) The term "Precinct Officers" as used in this Act means justices of the peace and constables.

In all counties in this State such precinct officers shall continue to be compensated for their services on a fee basis until the Commissioners' Court shall have determined otherwise in accordance with the provisions of Section 2 of this Act.

In counties wherein the Commissioners' Court shall have determined that precinct officers shall be compensated on an annual salary basis, but wherein they have determined that county officers shall not be so compensated, the Officers Salary Fund of said county shall be composed and made up of fees, commissions and other compensation collected by the precinct officers of such county and deposited in said fund, and such funds as may be transferred to said fund by the Commissioners' Court of the county.

(b) In counties where it shall have been determined that precinct officers shall be compensated on an annual salary basis it shall be the duty of the Commissioners' Court of such county to fix the salary allowed to such officers. Each of said officers shall be paid in money an annual salary in twelve equal installments of not less than the total sum earned as compensation earned by him in his official capacity for the fiscal year 1935 and not more than the maximum amount allowed such officer under laws existing August 24, 1935.

In counties in which precinct officers are paid a salary as compensation for their services, any constable desiring to appoint one or more deputies shall make application to the Commissioners' Court for authority to appoint such deputy or deputies, in the manner and form prescribed for applications for deputy county officers by Article 3902, Revised Civil Statutes 1925, as amended within the provisions of this Act; the Commissioners' Court shall not authorize the appointment of any deputy constable at a salary exceeding Fifteen Hundred Dollars (\$1,500.00) per year. The salaries of deputies authorized to be appointed under the provisions of this section shall be paid out of the Officers' Salary Fund.

In counties wherein the county of-

ficers named in this Act are compensated on the basis of an annual salary, the State of Texas shall not be charged with and shall not pay any fee or commission to any precinct officer for any services by him performed, but said officer shall be paid by the County out of the Officers' Salary Fund such fees and commissions as would otherwise be paid him by the State for such services.

Sec. 18. (a) Each criminal district attorney in this State serving a district comprising two or more counties, the population of which district exceeds one hundred and fifty thousand (150,000) inhabitants, according to the last preceding Federal Census, shall receive an annual salary of Four Thousand Five Hundred (\$4,500.00) Dollars, to be paid in twelve (12) equal monthly installments, upon warrants drawn by the Comptroller of Public Accounts upon the State Treasury; provided nothing in this section shall be construed as repealing any existing laws providing for assistants for said criminal district attorney.

(b) Such criminal district attorneys shall be allowed a sum not to exceed Five Hundred (\$500.00) Dollars per annum for the necessary expenses of such office, said sum to be paid only upon the itemized sworn statement of such officer showing the necessity therefor and approved by the State Auditor.

Sec. 19. Provisions of this section shall apply to and control in each County in the State of Texas having a population in excess of one hundred and ninety (190,000) thousand inhabitants, according to the last preceding Federal Census.

(a) The Commissioners' Court of each such county, at its first regular meeting in January of each calendar year, shall determine by order made and entered in the minutes of said Court, whether the precinct officers of such county shall be compensated on a salary basis as provided for in this section, or whether they shall receive as their compensation such fees of office as may be earned and collected by them in the performance of the duties of their offices, subject to the limitations hereinafter provided; and it shall be the duty of the County Clerk of each such county to forward to the Comptroller of Public Accounts of the State of Texas on or before the 31st day of January a certified copy of such order.

(b) Where the Commissioners' Court shall have determined that precinct officers in such county shall be compensated for their services by the payment of an annual salary, such officers shall receive said salary in lieu of all other fees, commissions, or compensation which they would otherwise be authorized to retain; provided that the provisions of this subsection shall not affect the payment of costs in civil cases by the State but all such costs so paid shall be accounted for by the officers collecting the same, as they are required under the provisions of this section to account for fees, commissions, and costs collected from private parties.

(c) The term "Precinct Officers" as used in this section means justices of the peace and constables.

Such precinct officers shall continue to be compensated for their services on a fee basis until the Commissioners' Court shall have determined otherwise in accordance with the provisions of this Section.

The annual fees that may be retained by any such precinct officer shall be Four Thousand (\$4,000.00) Dollars, each.

All fees and commissions earned by such official shall be applied first to the payment of his deputies, authorized expenses of his office, and to make up the maximum provided for such officers.

All fees and commissions over and above the amount necessary to pay authorized expenses and deputies' salaries, and to make up the maximum compensation above provided for, shall be deemed excess fees, and all excess fees not permitted to be retained shall be paid into the General Fund of the county.

Delinquent fees may be used to defray the salaries of deputies if current fees are insufficient for that purpose; and may be used also to make up the maximum compensation, exclusive of excess fees, allowed to such officers for the fiscal year within which such fees were earned. Delinquent fees collected in excess of the amount above provided for shall be paid by the officer collecting the same into the General Fund of the County.

Precinct officers, as defined in this Section, shall be compensated after an order duly enacted by the Commissioners' Court as herein provided, on an annual salary basis from said

Officer's Salary Fund; such salaries shall be fixed by the Commissioners' Court at a reasonable sum not to exceed Four Thousand (\$4,000.00) Dollars each, provided that in such counties in which the Commissioners' Court determines to place justices of the peace and constables on a salary basis, said Commissioners' Court shall not be required to place said salaries in all precincts within the county at equal amounts, but said Commissioners' Court shall have discretion to determine the amount of salary to be paid to each of said justices of the peace and to each of said constables in the several precincts in said counties within the limitations hereinabove set out. In counties where the Commissioners' Court determine to place the justices of the peace on a salary basis the justice of the peace shall receive in addition thereto all fees, commissions, or payments for performing marriage ceremonies and for acting as Registrar for the Board of Vital Statistics and when acting as Ex-Officio Notary Public.

(d) The County judge, sheriff, district attorney or criminal district attorney, as the case may be, district clerk, county clerk, and assessor and collector of taxes shall receive a salary of Six Thousand Five Hundred (\$6,500.00) Dollars per annum from the Officer's Salary Fund herein provided for. The compensation herein fixed for the sheriff or constable shall be exclusive of any reward received for the apprehension of criminal fugitives from justice and rewards received for the recovery of stolen property.

(e) The Commissioners' Court of each county shall determine annually the salary to be paid to the county treasurer at a reasonable sum not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum. Said treasurer shall be allowed to appoint one (1) assistant at a reasonable salary not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum; and said Court may allow one (1) additional assistant upon adequate proof of necessity at a reasonable salary not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. Said assistants shall be appointed by the treasurer and shall take the usual oath of office and in addition thereto shall give such surety bond as may be re-

quired by the county treasurer or by the Commissioners' Court. Said assistants shall have authority to do and perform in the name of the treasurer such acts of a clerical or ministerial character as may be required of them by the county treasurer. The county treasurer may designate, subject to the approval of the Commissioners' Court, a named person to act for him and in his stead when he shall be absent, unavoidably detained or incapacitated. The particulars justifying such appointment shall be placed before the Commissioners' Court and such Court may require any proof in connection therewith desired. Upon approval of the Court of the appointment of the person so designated and the recording of such appointment in the minutes of the Court, thereupon such person may act for such treasurer during such period of absence, detention or incapacity; provided, however, that such appointment shall not become effective until such named person shall have given a surety bond in favor of the county and the county treasurer as their interests may appear and in such amounts as the Commissioners' Court may require.

(f) The district attorney or criminal district attorney shall be authorized to appoint Nine (9) assistants and fix their salaries at a rate not to exceed the following amounts: Two (2) of said assistants, Four Thousand Five Hundred (\$4,500.00) Dollars per annum each; two (2) of said assistants, Four Thousand Two Hundred (\$4,200.00) Dollars per annum each; one (1) of said assistants, Three Thousand Six Hundred Dollars (\$3,600.00) per annum; one (1) of said assistants, Three Thousand (\$3,000.00) Dollars per annum; and three (3) of said assistants, Two Thousand Seven Hundred (\$2,700.00) Dollars per annum each. He may employ three investigators and fix their salaries at not to exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum each. He may employ two (2) court reporters and fix their salaries at not to exceed Two Thousand Two Hundred Eighty (\$2,280.00) Dollars per annum each. He may employ one (1) combination stenographer and accountant and fix his salary at not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum. He may employ one (1) stenographer

and fix his salary not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum. He may employ one (1) chief civil clerk and fix his salary at not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum. He may employ two (2) abstractors and fix their salaries as follows: One (1) of said abstractors at not to exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum, and the other abstractor at not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum. All such salaries above mentioned shall be payable from the Officer's Salary fund, if adequate. If inadequate, the Commissioners' Court shall transfer the necessary funds from the General Fund of the county to the Officer's Salary Fund.

Should such district or criminal district attorney be of the opinion that the number of assistants, stenographers, investigators, or other employees above provided for is not adequate for the proper investigation and prosecution of crime, and the efficient performance of the duties of his office, with the advice and consent of the Commissioners' Court he may appoint additional assistants and employees as hereinafter limited and fix their salaries as follows: One (1) additional assistant to receive a salary not to exceed Four Thousand Two Hundred Fifty (\$4,250.00) Dollars per annum; one (1) additional assistant or employee to receive a salary not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum; one (1) additional assistant to receive a salary not to exceed Three Thousand (\$3,000.00) Dollars per annum; and two (2) additional assistants to receive a salary not to exceed Two Thousand Seven Hundred (\$2,700.00) Dollars per annum each. He may employ one (1) additional court reporter and fix his salary at a rate not to exceed Two Thousand One Hundred Sixty (\$2,160.00) Dollars per annum. He may employ one (1) stenographer and fix his salary at a rate not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. He may employ one (1) civil clerk and fix his salary at a rate not to exceed One Thousand Five Hundred (\$1,500.00) Dollars per annum. He may employ one information clerk and fix his salary at a rate not to exceed Nine Hundred

(\$900.00) Dollars per annum, but such additional assistants or employees so appointed, before qualifying and entering upon the duties of such office and employment, shall be approved as to number and salaries by the Commissioners' Court of the county in which such appointments are made, these salaries being payable from the Officer's Salary Fund, if adequate. If inadequate, the Commissioners' Court shall transfer the necessary funds from the general fund of the county to the Officer's Salary Fund. In addition to the salary herein provided for investigators for district attorneys and criminal district attorneys, each of such investigators shall be allowed a sum not to exceed Fifty (\$50.00) Dollars per month for repair and maintenance expense of an automobile used by said investigator in the investigation of crime, said allowances to be paid monthly by such county by warrant drawn upon said Officer's Salary Fund upon the written claim of such investigator showing that said automobile was in official use, and such claim shall bear the approval of the district attorney before being paid.

(g) In addition to other sums provided in this section, the district attorney or criminal district attorney may be allowed by order of the Commissioners' Court of his county such amount as said Court may deem necessary to pay for, or aid in, the proper administration of the duties of such office, not to exceed Two Thousand Five Hundred (\$2,500.00) Dollars in any one calendar year; provided, that such amounts as may be allowed shall be allowed upon written application of such district attorney or criminal district attorney showing the necessity therefor, and provided further that said Commissioners' Court may require any other evidence that it may deem necessary to show the necessity for any such expenditures, and that its judgment in allowing or refusing to allow the same shall be final. No payment therefor shall be made except upon an itemized sworn statement of such expenses filed in the manner provided in this section for other expenses.

(h) Whenever any district or county officer, or precinct officer when such officer is compensated on a salary basis, with the exception of

district attorneys and criminal district attorneys, shall require the services of deputies, assistants, and employees in the performance of his duties he shall apply to the Commissioners' Court for authority to appoint such deputies, assistants, and employees, stating by sworn application the number needed, the position to be filled, the duties to be performed, and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts from fees, commissions, and compensation to be collected by said office during the fiscal year and the probable disbursements which shall include all salaries and expenses of said office; and said Court shall make its order authorizing the appointment of such deputies, assistants, and clerks and fix the compensation to be paid them within the limitations herein prescribed and determine the number to be appointed as in the discretion of said Court may be proper; provided that in no case shall the Commissioners' Court or any member thereof attempt to influence the appointment of any person as deputy, assistant, or clerk in any office. Upon the entry of such order the officers applying for such deputies, assistants, and employees shall be authorized to appoint them; provided that said compensation shall not exceed the maximum amount hereinafter set out. The maximum compensation which may be allowed to the deputies, assistants, or clerks above named for their services shall be as follows:

First Assistant or Chief Deputy not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum, one Assistant or Deputy not to exceed Three Thousand (\$3,000.00) Dollars per annum; other assistants, deputies, and employees not to exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum each; provided that bailiffs serving criminal district courts shall be paid not less than One Hundred and Seventy-five (\$175.00) Dollars per month each; provided further that chief clerks or chief deputies in County and District offices shall receive not less than Three Thousand (\$3,000.00) Dollars per annum each and heads of departments in county or district offices shall receive not less than Twenty-five Hundred (\$2,500.00) Dollars per

annum each. No payment shall be made to any deputy, assistant or employee for any service performed prior to the authorization of his appointment and until he shall have subscribed to the constitutional oath of office and such appointment and oath have been filed with the county clerk for record. The amounts allowed to be paid to deputies, assistants and employees shall be paid after rendition of service out of said Officer's Salary Fund as provided for in this Act.

(i) There shall be created a fund for each officer affected by the provisions hereof to be known as the "\_\_\_\_\_ Salary Fund of \_\_\_\_\_

County, Texas" (insert the title of the officer affected and the name of the county) and such fund shall be kept separate and apart from all all other county funds and shall be held and disbursed for the purposes of paying the salary of such officer, the salaries of his deputies assistants, clerks, stenographers, and investigators who are authorized to draw a salary from said fund under the provisions of this Section and to pay the authorized and approved expenses of his office. Such fund shall be deposited in the county depository and shall be protected to the same extent, and draw the same interest, as other County Funds. The Commissioners' Court of each county affected by the provisions of this Section, at its first regular meeting in January of each calendar year, may determine, by order made and entered in the minutes of said court, that all fees, costs, compensation, salaries, expenses, etc., provided for in this section, shall be paid into and drawn from the General Fund of such county; in which event each reference in this section to a salary fund shall be read as and interpreted to be "General Fund".

(j) Each district, county, and precinct officer who shall be compensated on a salary basis shall continue to charge for the benefit of the Officer's Salary Fund of his office provided for in this Section, all fees and commissions which he is now or hereafter may be authorized to charge against and collect from the State of Texas for services performed by him in civil and criminal proceedings and to file claims for the fees or commissions due for such

services in the manner now or hereafter provided by law; and it shall be the duty of said officer to account for and cause to be paid to the salary fund created for such officer all such commissions and fees when paid by the State in like manner as for costs collected from private parties; provided further that such warrants issued by the State Comptroller of Public Accounts shall be made payable jointly to the officer in office at the date of payment and to the county treasurer, and that upon endorsement thereof such warrants shall be deposited forthwith by said county treasurer in the salary fund created for such officer.

(k) No officer receiving a salary shall receive any ex-officio compensation from the county; provided, however, the Commissioners' Court shall transfer from the General Fund of the County to any Officer's Salary Fund of such county such funds as may be necessary to pay the salaries and other legally authorized claims chargeable against such fund when the moneys deposited to the credit of such fund are insufficient to meet the claims against it.

(l) Each district, county, and precinct officer receiving an annual salary as compensation shall be entitled, subject to the provisions of this Section, to issue warrants against the Salary Fund created for his office in payment of the services of deputies, assistants, clerks, stenographers, and investigators, for such amounts as said employees may be entitled to receive for services performed under their authorizations of employment. And such officer shall be entitled to file claims for and issue warrants in payment of all actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, traveling expenses, and other necessary expenses. If such expenses be incurred in connection with any particular case, such claim shall state such case. All such claims shall be subject to the audit of the county auditor; and if it appears that any item of such expense was not incurred by such officer, or such item was not a necessary expense of office, or such claim is incorrect or unlawful, such item shall be by such auditor rejected, in which

case the correctness, legality, or necessity of such item may be adjudicated in any court of competent jurisdiction. Provided, the assessor and collector of taxes shall be authorized in like manner annually to incur and pay for insurance premiums in a reasonable sum for policies to carry insurance against loss of funds by fire, burglary, or theft.

At the close of each month of the tenure of his office each officer named herein shall make as a part of the report required by Subsection O of this Section an itemized and sworn statement of all expense claims paid during said month. And said report shall give the name, position, and amount paid to each authorized employee of such officer. Such deputies, assistants, clerks or other employees as well as expenses shall be paid from the Officer's Salary Fund in cases in which the officer is on a salary basis, and from fees earned and collected by such officer in all cases in which the officer is compensated on a basis of fees earned by him.

The Commissioners' Court may allow, upon the written and sworn application of the sheriff showing the necessity therefor, one or more automobiles to be used by the sheriff or his deputies in the discharge of his official duties, which if purchased by the county shall be bought in the manner prescribed by law for the purchase of supplies, and shall be paid for out of the Officer's Salary Fund, and said automobiles shall be and remain the property of the county. The expense of operating and maintaining said automobiles shall be paid in the manner and subject to the provisions herein provided for other expense items. The Commissioners' Court by an order entered of record may make provision for payment of depreciation upon automobiles owned personally by the sheriff or his deputies.

The Commissioners' Court may, upon the written and sworn application of the district attorney or criminal district attorney, stating the necessity therefor, allow one or more automobiles to be used by him in the discharge of his official duties, which if purchased shall be bought by the county in the manner prescribed by law for the purchase of supplies, and

paid for out of the Officer's Salary Fund, and they shall be and remain the property of the county. The amount to be expended for the purchase of an automobile or automobiles shall not exceed the sum of One Thousand Two Hundred (\$1,200.00) Dollars for the first year, and shall not exceed the sum of Five Hundred (\$500.00) Dollars for any year thereafter. The expense of the maintenance and operation of such automobile or automobiles as may be allowed shall be paid for by the district attorney or the criminal district attorney from the Officer's Salary Fund, and the amount thereof shall be reported in detail by the district attorney or the criminal district attorney on his monthly report, as is required by this Section in reporting expenses incurred by him in the conduct of his office. Such expense account for the maintenance and operation of such automobile or automobiles shall be subject to audit as hereinabove provided.

(m) All moneys drawn from said Officer's Salary Funds shall be paid out only on warrants approved by the county auditor. No warrants shall be drawn on said fund in favor of any person indebted to the State, county, or to said fund or in favor of his agent or assignee until such debt is paid, when notice of such indebtedness has been filed with the county auditor.

All moneys remaining in any Officer's Salary Fund of the county at the end of any fiscal year after all salaries and authorized expenses incurred against said fund for said year shall have been paid and the accounts of said officer have been audited and approved by the county auditor shall be by order of the Commissioners' Court transferred by warrant issued by the county clerk when approved to the credit of the General Fund of the county.

(n) Each district, county and precinct officer shall keep a correct detailed statement of all amounts earned by him and of sums coming into his hands as fees, costs, and commissions, in a book to be provided for him by the proper authorities of the county for that purpose in which the officer at the time when fees or moneys are earned or shall come into his hands shall enter the

same in such form as may be lawfully required.

(o) The fiscal year, within the meaning of this Section, shall begin on January 1st of each year; and each district, county, and precinct officer shall file his annual report and make the final settlement required in this Act by January fifteenth of each year; provided, however, that officers receiving an annual salary as compensation for their services shall on or before the fifth day of each month file with the county auditor on forms prescribed by him and as part of the report required by subsection L of this Section, a detailed and itemized report of all fees, commissions, and compensations collected by him during the preceding month, and shall forthwith pay into the Officer's Salary Fund for his office, all fees, commissions, and compensations collected by him during said month. Whenever such officer serves a fractional part of the fiscal year, he shall, nevertheless, file his report and make final settlement for such part of the year as he serves and shall be entitled to such proportionate part of his compensation as the time of his service bears to the entire year.

(p) It shall be the official duty of each clerk of the district and county courts and of all justices of the peace to require at the commencement of any civil suit adequate security for costs; provided a pauper's oath may be filed and contested as provided by law. No district, county, or precinct officer shall under the penalties now provided by law waive any fees or costs but it shall be the duty of all officers to assess and collect all fees and commissions which they are permitted or directed by law to assess and collect for services performed by them. Where any officer receives a salary payable from the Salary Fund created for such officer all fees, commissions, and other compensation received by him in his official capacity shall be by him deposited and paid monthly, or oftener, into the Salary Fund created for such officer, and such remittance shall be accompanied by his official report thereof, as provided for in this Section.

(q) Each district, county, and precinct officer, at the close of each fiscal year (December 31) shall make to the district court of such county

a sworn statement in triplicate (on forms designed and approved by the State Auditor), a copy of which statement shall be forwarded to the State Auditor by the clerk of the district court of said county within fifteen (15) days after the same has been filed in his office, and one copy shall be filed with the county auditor. Said report shall show the amount of all fees, commissions, and compensations whatever earned by said officer during the fiscal year; and the amount of fees, commissions, and compensations collected by him during the fiscal year and their disposal. Said report shall contain an itemized statement of all fees, commissions, and compensations earned during the fiscal year which were not collected, together with the style of the case and number, the name of the party owing said fees, commissions, and compensations, the nature of the security for costs, and the reason for non-collection. Said report shall show the names of deputies and assistants employed by him during the year, the time served, and the amount paid or to be paid each. Said report shall be filed not later than January fifteenth following the close of the fiscal year. For failure to file said report said officer shall be subject to removal from office. The county auditor shall audit such report and file his report with the Commissioners' Court, and said county auditor also shall prepare and file with the district or criminal district attorney a detailed report of all fees, commissions, and compensations uncollected which have been due and payable to any officer of the county for a period of more than (6) months; and a similar report of all fees, commissions, and compensations collected by said officers and not reported by them and a list of cases filed since January 1, 1936, in which any county or district clerk or justice of the peace has not taken adequate security for costs or required a pauper's oath. It shall be the duty of the district or criminal district attorney to institute proceedings for the collection of such fees, commissions, and compensations, all of which are declared to be the property of the county and shall be deposited in the General Fund.

(r) The moneys received from the State by each such county under the provisions of Section 6 and subsec-



tion b of Section 13 of this Act shall be apportioned by the Commissioners' Court to the proper Officer's Salary Funds of each such county.

(s) Notaries Public, public weighers, and county surveyors are expressly exempted from the provisions of this Section.

(t) It is hereby declared to be the intention of the Legislature that the provisions of this Section control in all things as to the counties affected hereby. Nothing herein shall be held to repeal Chapter 122, Page 330, Acts of the Forty-fourth Legislature, 1935, Regular Session, except insofar as its provisions may be in direct conflict herewith, in which event the terms of this Section shall prevail, nor shall anything herein contained affect or be construed as repealing Chapter 34, Acts of the Forty-fourth Legislature, Regular Session, appearing at Page 100, et sequente, of said Acts, or Art. 3912a, Revised Civil Statutes of Texas, the same being Acts 1933, Forty-third Legislature, Page 107, Chapter 54.

(u) The provisions of this Section shall be severable and if any subsection, sentence, clause, phrase, word or part of the same shall be held to be unconstitutional or invalid for any reason, the same shall not be construed to affect the validity of any of the remaining provisions of this Section. It is hereby declared to be the Legislative intent that this Section would have been adopted had such invalid provision not been included therein.

Sec. 20. Any unexpended balance in the appropriation made by the Regular Session of the Forty-Fourth Legislature, for the payment of fees and costs of sheriffs, attorneys and clerks in felony cases, fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials actually held and where indictments are returned, in the sum of Five Hundred Fifty Thousand Dollars (\$550,000.00) for each of the fiscal years ending August 31st, 1936, and August 31st, 1937, in addition to the purposes therein specified, is hereby appropriated and authorized to be disbursed by the Comptroller and Treasurer in the payment of any apportionment which may become due to any counties in this State under the provisions of this Act for the fiscal year

for which the appropriation is available.

Sec. 21. The provisions of this Act shall become effective January 1st, A. D., 1936.

Sec. 22. The provisions of this Act shall be cumulative of all laws not in conflict herewith. It is hereby declared to be the intention of the Legislature that the compensation, limitations, and maximums fixed in this Act for the named officers, their deputies, assistants and employees control over any other provisions contained in all laws, General and Special.

Sec. 23. The provisions of this Act shall be severable and if any section, subsection, sentence or clause or word of the same shall be held to be unconstitutional or invalid for any reason, the same shall not be construed to affect the validity of any of the remaining provisions of this Act. It is hereby declared as the legislative intent that this Act would have been adopted had such invalid provision not been included therein.

Sec. 24. The fact that the people of Texas adopted at an election held on the fourth Saturday in August, a constitutional amendment making it mandatory that constitutional county officers in counties having a population of twenty thousand (20,000) inhabitants or more according to the last preceding Federal Census be compensated solely on a salary basis from and after the first day of January, 1936, creates in view of the brevity of the present session, an emergency and an imperative public necessity requiring that the Constitutional Rule that bills shall be read on three several days in each House be suspended and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Davis moved the adoption of the conference committee report on S. B. No. 5.

Senator Martin moved as a substitute that the conference committee report be laid on the table subject to call until 11:45 o'clock a. m. today.

#### Motion to Table.

Senator Hornsby moved to table the substitute motion.

The motion to table prevailed by viva voce vote.

Senator Shivers moved as a substitute that the conference committee report be not adopted, but returned to

the committee with instructions to insert the agreed savings clause.

Senator Pace moved to amend the substitute motion, that a new conference committee be appointed.

Motion pending.

Senator Davis asked unanimous consent to lay the conference committee report on the table subject to call.

Unanimous consent was granted.

#### House Bill No. 127.

Senator Hill received unanimous consent to take up H. B. No. 127.

The Chair laid before the Senate the following bill:

By Mr. Jefferson and Mr. Reader:  
H. B. No. 127, A bill to be entitled "An Act amending and re-enacting Section 18a of the Acts of the Forty-fourth Legislature, Chapter 116 Regular Session, relative to the establishment of itinerant beauty shops, providing exceptions and adding Section 18a providing for the amendment of Section 7 of the aforementioned Act; etc., and declaring an emergency."

(With committee substitute.)

Senator Hill moved the adoption of the committee substitute.

Senator Poage sent up the following amendments:

Amend Committee Substitute for H. B. No. 127.

Section 1. By adding after the words "be amended by adding" the following:

Sec. 18 (b) It is intended by this act to levy and collect from the operator of any beauty parlor conducted or operated by one (1) person only no tax or fee or examination charge in excess of the three Dollars (\$3.00) fee hereby provided any other section of the bill to the contrary not authorized.

POAGE.

Read and adopted.

The substitute as amended was adopted by viva voce vote.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 127 was put on its second reading by the following vote:

Yeas—24.

Beck.	Cotten.
Blackert.	Davis.
Burns.	Hill.
Collie.	Hopkins.

Hornsby.  
Martin.  
Moore.  
Neal.  
Nelson.  
Oneal.  
Pace.  
Poage.

Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

DeBerry.  
Fellbaum.  
Holbrook.  
Isbell.

Rawlings.  
Redditt.  
Small.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee substitute was adopted.

The bill was read second time as substituted and amended and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 127 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.  
Hill.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Neal.

Nelson.  
Oneal.  
Pace.  
Poage.  
Regan.  
Sanderford.  
Shivers.  
Stone.  
Sulak.  
Van Zandt.  
Westerfeld.  
Woodruff.

Absent—Excused.

DeBerry.  
Fellbaum.  
Holbrook.  
Isbell.

Rawlings.  
Redditt.  
Small.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.  
Blackert.  
Burns.  
Collie.  
Cotten.  
Davis.

Hill.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Neal.

Nelson.	Shivers.
Oneal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Small.
Isbell.	

#### H. C. R. No. 21.

Senator Hill received unanimous consent to take up H. C. R. No. 21.

The Chair laid before the Senate on its second reading the following resolution.

H. C. R. No. 21, granting permission to C. D. Scroggins and L. S. Scroggins to sue the State Highway Department of the State of Texas.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

H. C. R. No. 21 was adopted unanimously.

#### Bill Signed.

The Chair Lieutenant Governor Walter F. Woodul gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 134.

#### Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, Nov. 14, 1935.

To the members of the Forty-fourth fourth Legislature, in Second Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be chairman of the State Parks Board (for a 6 year term beginning October 15, 1935): Wendell W. Mayes, of Brownwood, Brown County (succeeding D. E. Colp).

For reappointment as member of the State Parks Board: (Tom L. Beauchamp, of Tyler, Smith County (6 year term beginning October 15, 1935)).

To be member of State Board of Medical Examiners (to succeed Dr. H. H. Blankmeyer of Aransas Pass, deceased): Dr. W. C. Morrow, of Greenville, Hunt County.

To be members of the Board of Managers of the North Texas Junior Agricultural College at Arlington, Texas: W. P. McLean, Jr., of Fort Worth, Tarrant County; H. W. Cooper, of Arlington, Tarrant County; H. C. Burk, Jr., of Fort Worth, Tarrant County; Dr. John Dial, of Oak Cliff, Dallas County; Mrs. W. D. Ambrose, of Fort Worth, Tarrant County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Executive Office,

Austin, Texas, Nov. 14, 1935.

To the members of the Forty-fourth Legislature, in Second Called Session:

On November 5, 1935, the House adopted H. S. R. No. 19, requesting certain information as to the activities of the State Planning Board. This resolution was not delivered to the Executive Department until November 12th. Having noted reports of its passage in the press, however, I immediately requested the State Planning Board to make such a report.

I take pleasure in attaching hereto a copy of same as made to the Governor and the Legislature.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Austin, Texas, Nov. 12, 1935.

To Hon. James V. Allred, Governor, and to the Members of the Legislature, Austin, Texas.

Gentlemen: In accordance with your request of November fifth, we beg to report as follows:

In the absence of any specified date in the Planning Board Bill, the Texas Planning Board decided at its last meeting held in Austin on October 28 to issue a formal report of its activities for the year 1935 as soon as practicable after December thirty-first. However, since the Legislature has requested a report on "feasible plans providing for the placing of people who are upon relief upon lands so equipped that

such citizens might become self-sustaining and become home owners," we are pleased to report the Board's activities to date upon this particular subject as follows:

This matter was the first subject to be considered by the Texas Planning Board. At the time of organization there was in existence "The Texas Rural Communities, Inc.", an organization with financial means at their disposal for the establishment of rural communities. Our Board received some sixty-five separate proposed rural communities for investigation and recommendation. Since House Bill No. 197 provides that a public hearing shall be held before any adverse report may be made, and because the Board had no facilities for the making of the careful investigations required before approval could be given to any of the above sixty-five proposed settlement projects, all were transmitted to the Texas Rural Communities, Inc., on May twenty-third, 1935. At the same time the following resolution adopted by the Texas Planning Board was also sent to Texas Rural Communities, Inc.

1. The Texas Planning Board believes that settlement of families in homes on land is an essential element in recovery.

2. The Board believes that in order that the percentage of success among such colonists shall be reasonably high it is important that the quality of lands be good, the size of tracts and equipment provided settlers be adequate and the cost of the farm commensurate with conditions at this time.

3. The Texas Planning Board has full confidence in the ability of the Directorate of Texas Rural Communities, Inc., to determine these facts relative to particular projects, and takes cognizance of the fact that Texas Rural Communities is in a position to make necessary technical inspections of the individual projects, a character of detailed and highly essential service which the Texas Planning Board is not in a position to undertake.

4. The Texas Planning Board furthermore has full confidence in the ability of the present Directorate of Texas Rural Communities, Inc., to administer the colonization of these projects which it finds sound in a manner to secure the highest possi-

ble degree of success for the settlers, provided the full administrative control of the execution of these undertakings be placed in the hands of the Directorate of Texas Rural Communities, Inc., and of the staff which it has set up.

5. The Texas Planning Board pledges to Texas Rural Communities, Inc., its full support and every assistance which the Planning Board may be able to render to bring about a condition of organization under which Texas Rural Communities will have undivided authority to administer the proposed colonization without any division of responsibility whatsoever. Unless such condition can be brought about the Texas Planning Board believes that even the soundest colony projects offer little hope of success and grave danger of injury to the morale and welfare of proposed settlers.

6. The Texas Planning Board desires to be kept informed as to the location and type of proposed colonies so that it can make recommendations respecting coordination of colonization development with industrial and other projects.

The above resolution expressed the Board's belief in resettlement. It also expressed the Board's belief that the Texas Rural Communities, Inc., was the best qualified agency to place unemployed persons on rural homesteads where opportunities might be obtained for home ownership and for family subsistence.

The Texas Rural Communities, Inc., accepted all of the proposed colony projects submitted by the Texas Planning Board and began the necessary investigation for selecting the meritorious projects.

While these selections were being made the offices of the Texas Rural Communities, Inc., were moved from Austin to Dallas. At the same time the National Resettlement Administration was created in Washington, and regional offices for Texas and Oklahoma were established in Stillwater, Oklahoma, a city one hundred and sixty miles north of the Texas border. The Texas Planning Board did not feel that Texas could be adequately administered from Stillwater and prepared the attached brief containing reasons for the relocation of these headquarters in

some central location that would adequately serve both Texas and Oklahoma. Copies of this brief were sent to Dr. Tugwell, Federal Administrator, Vice President Garner, our two Texas Senators, and each of our Texas Congressmen. Results obtained were the agreed removal of the regional offices from Stillwater to Dallas.

Texas Rural Communities, Inc., has maintained the project at Wood Lake in East Texas and is completing the project at Ropesville near Lubbock.

The Texas Planning Board has contract with the Regional Resettlement offices through Dean G. P. Blackwell and the Board's Land Use Committee. The Texas Planning Board still believes that Texas Rural Communities, Inc., is the best qualified agency to place worthy indigent families upon the land where each may have the opportunity for subsistence through its own efforts, through the unusual fertility of Texas soil and by means of the long favorable seasons of the Texas climate.

The Texas Planning Board has sought to serve Texas to the very best of its ability and the members of the Board and the members of its numerous committees have given unstintingly of their time and efforts toward ameliorating the relief situation through increased use of Texas natural resources and the preparation of long range plans for improving the social and economic situation in Texas. We have succeeded in obtaining presidential approval of \$33,766,282 worth of statewide W. P. A. projects, which are estimated to give employment to 54,990 worthy citizens of our State for one year. We still have other statewide W. P. A. projects to be approved by Washington. We are exerting every effort to secure approval of these.

Only yesterday we had the pleasure of showing the exhibit of Texas building stone in the Bureau of Economic Geology to Hon. Leroy Barton, Assistant Secretary of the United States Treasury, and to Mr. Bertram Giesecke, consulting architect, United States Treasury. Both of these gentlemen have the authority to specify the use of Texas building stone for Federal buildings. If the Texas Planning Board can encourage the use of Texas limestones, sand-

stones, marbles, serpentines, onyxes, and others, additional worthy citizens will be given steady employment.

In order to facilitate its work the Board has set up nine sub-committees as follows: public health, land use and recreation, conservation of water resources, reforestation, development of mineral resources, transportation, industry, education, and government and social aspects. Each committee has a member of the Texas Planning Board as chairman, and other members are selected from the Texas institutions of higher learning and from outstanding representatives from business and industry. Each committee is functioning and is devoting considerable time to the topic assigned for consideration. If additional committees are required, they will be appointed by the Board.

The Texas Planning Board appreciates this opportunity of presenting this partial report of its activities to the Governor and to the members of the Legislature. The Board is anxious to receive suggestions from the Governor, the members of the Legislature, and from the citizens of Texas for the social and economic improvement of our State at any and all times.

A full report of all of the activities of the Texas Planning Board will be made to the Governor, the Legislature, and the citizens of Texas at the close of the present year and each year thereafter. If, however, special reports are desired at any time, the Texas Planning Board is ready and willing to make such reports upon request.

Respectfully submitted,

N. A. WOOD.

#### Memorandum

Re

Present Location in Stillwater, Oklahoma, Regional Headquarters of Resettlement Administration, Region No. 8.

For the resettlement work purposes the United States is divided into eleven regions, the 8th Region being composed of Oklahoma and Texas. Headquarters for this region are located in Stillwater, Oklahoma. This is the same regional division as obtained under the old rehabilitation program. Under the old program Region 8 had, measured in terms of

clients, money expended, and projects started, approximately one-fifth of all the projects carried on under that setup. In addition to that they took over the subsistence homesteads, which would give Texas about a third. There are approximately 43,000 clients in Texas and 11,000 in Oklahoma, four-fifths of the clients being in Texas. There are 254 counties in Texas and 72 in Oklahoma. All of the subsistence homestead projects are in Texas; so that the vast majority of all the activities are in Texas.

Stillwater, which has been selected as regional headquarters for this region is located about forty miles from the northern boundary of the region and about 900 miles from the southern edge where most of the clients are located. The only Texas city of any size that enjoys any advantage as far as distance is concerned in the Stillwater location is Amarillo. Stillwater, being located on a branch line of the railroad is unsuited for location of headquarters for this region. To travel from Stillwater to either Oklahoma City, which is 70 miles away, or to Tulsa, which is 75 miles away, it is almost imperative that one go by private car as there are no direct rail or bus lines and by either method of travel, one has to make a change on that short route.

There are no adequate housing facilities in Stillwater for the personnel of the Administration. Rents are high, and the cost of board and room for the employed personnel on salaries of from \$1216 to \$1440 is prohibitive for employes with families. A recent survey made by the Chamber of Commerce of Stillwater revealed the fact that while there were forty vacant houses there, they were all in such a state of repair that they were unsuitable for occupation. The fact that an employe cannot move his family to Stillwater on account of the lack of housing facilities creates a feeling of dissatisfaction and discontent which is not conducive to efficient work by the employe.

As regards the relative distribution of personnel between Texas and Oklahoma since the office has been located in Stillwater, all of the clerks and stenographers, with the exception of one stenographer who moved from Texas, are local Oklahoma peo-

ple. In regard to the staff personnel, the directors of both the Rural Resettlement Division and the Land Utilization Division are residents of Stillwater. Both of these gentlemen are anxious that the headquarters be maintained in Stillwater in order that they may retain their connection with the A. & M. College of Oklahoma, one of them being Director of Extension and the other Dean of the School of Agriculture, both being on leave of absence. There are certain other staff members who have been sent down from their representative divisions at Washington. One of these is a Texas man. The other staff members who need to know all of the agricultural details of their territory would naturally be selected from within the region. To date the selection of only three Texans has been announced for this staff, the balance being composed either of those who have been sent down from the Washington office, or selected from Oklahoma. Difficulty will be found in securing Texans who are qualified to fill these positions because of the inconvenience of their having to move to Stillwater. Texans cannot accept positions in the regional office at Stillwater on account of the fact that they cannot find adequate housing facilities there for their families; therefore, Texans who are qualified for these positions are not available. This amounts to a discrimination against Texas.

Mail service by train from Oklahoma City to Stillwater requires three days time. The slow train service for mail from all points in the region to Stillwater makes it almost necessary to conduct business by telephone, telegraph, or airmail, which makes the cost considerable. Another disadvantage is the fact that the telegraph office in Stillwater closes at 8 o'clock and quite often messages that should come through at night are not received until the next morning, and you might be held over a night because you could not get the message. Another thing, certain supplies are carried in stock in the regional offices, and the poor transportation service makes it hard to get these materials in and out of Stillwater.

If left to the staff for a vote on the matter of moving the headquarters to a centrally located point in the

region, the vote would be unanimously in favor of moving. Eastland, Texas, is the geographic center of this region. The center of activity, as measured in proposed projects and clients served, would be some point considerably south and east of Dallas. There are but a very few projects in the northeastern part of Oklahoma, and they are the only ones that can be reached without going through Oklahoma City. To reach the other projects you have to go through Oklahoma City and to get to most of them, through Fort Worth and Dallas in addition; the only method of travel being by automobile. Approximately 90% of the projects are located south of the Oklahoma line.

The Oklahoma papers from about the tenth to the fourteenth of this month (August) carried statements by Congressman Cartwright of Oklahoma relative to discrimination against Oklahoma in passing out jobs in the Resettlement Administration. If that matter were taken up with the Texas delegation in Washington they might make a list of leading positions held by Oklahomans and by Texans and by a few who were selected from other states who were assigned by the Washington office to this region so as to counteract any activity on the part of Oklahoma for more Oklahomans being appointed to responsible positions in this setup, because the record will show that the majority of the better positions are already being filled by citizens of Oklahoma. Both directors for the region are from Oklahoma, but it is understood that their appointments have not yet been confirmed by the Senate, which is necessary as the salaries are above \$5,000.

The regional headquarters offices are in an old college dormitory for girls. The building is entirely unsuited for office purposes. The rooms are not connecting, and the lighting is poor, there being only one small window to a room. Nearly all the office work is done under artificial light. The building is a veritable fire trap and is not equipped with adequate fire escapes. There is no fireproof vault for the records and in case of fire, the records would be entirely destroyed. It is rumored that the building has been condemned, but be that as it may, it had been abandoned

as a dormitory. There is no other available office space in Stillwater.

Due to the conditions mentioned, projects are being held up. The deadline for submitting applications was the twentieth of August but because of the lack of an adequate staff to analyze the current projects, applications were submitted for only eleven. Texas alone had fifty projects submitted.

It has been estimated that by moving the regional headquarters from Stillwater to some centrally located point in the region, which would be in Texas, approximately \$150,000 would be saved to the Administration. This estimate was arrived at after taking into consideration the increased cost of maintaining headquarters in Stillwater due to its inaccessibility by direct train or bus line with resulting delay in moving from headquarters to points in the district at which projects are located; the inadequacy of mail service to Stillwater which necessitates enormous costs for telephone and telegraph service; the loss of time by employed personnel as a result of the above and the lowered efficiency of the staff due to conditions set out in the foregoing.

It has been suggested that the Texas delegation, especially the Senators in Washington, be contacted with the view of having them oppose the confirmation of appointments of these regional officers until it is agreed that the regional headquarters will be located in a centrally located point.

#### Senate Bill No. 5.

Senator Davis called up the Conference Committee report on S. B. No. 5.

Senator Davis moved to lay on the table subject to call the Conference Committee report on S. B. No. 5.

The motion prevailed by viva voce vote.

#### At Ease.

On motion of Senator Poage, the Senate, at 11:57 o'clock a. m., stood at ease subject to the call of the Chair.

#### Senate Called to Order.

The Chair called the Senate to order at 12:00 o'clock noon.

**Senate Resolution No. 26.**

Whereas, Mrs. Roberta Campbell Lawson, President, General Federation of Women's Clubs, Tulsa, Oklahoma, is now in our Capital City, in attendance at the State Convention of the Texas State Federation of Women's Clubs and is to be in the Capitol today; now, therefore, be it

Resolved, by the Senate of Texas, That this distinguished visitor be accorded the privileges of the floor and be invited to address the Senate.

HORNSBY.

Read and adopted unanimously.

The Chair appointed Senators Hornsby, Westerfeld and Neal to escort the distinguished visitor to the platform.

Lieutenant Governor Walter F. Woodul introduced Mrs. Volney Taylor, President of the Texas Federation of Women's Clubs, who spoke briefly.

Lieutenant Governor Woodul presented Senator Hornsby, and he introduced Mrs. Roberta Campbell Lawson, who addressed the Senate.

**Senate Resolution No. 27.**

Whereas, There are certain necessary repairs to be made in the Senate Chamber, reception room and the offices of the Senate and

Whereas, The carpet on the floor of the reception room and on the floor of the Senate Chamber should be replaced with a new cover, now therefore be it

Resolved, That the Secretary of the Senate immediately confer with the Chairman of the Board of Control relative to having the necessary repairs made and the covering of the floor of the Senate Chamber and the reception room replaced with new covers and that all expenses incurred in making these changes be paid for out of the contingent expense fund of the Second Called Session of the Forty-fourth Legislature, upon warrants approved by the Chairman of the Contingent Expense Committee and the Lieutenant Governor.

REDDITT.

Read and adopted.

**Senate Bill No. 15.**

Senator Poage sent up the following Conference Committee report on S. B. No. 15.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate,

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Committee appointed to adjust the differences in S. B. No. 15, find it impossible to agree and beg to report to the House and Senate respectively that we have been unable to agree, and request that the Committee be discharged and a new Committee appointed.

ROARK,

POPE,

LATHAM,

HARRIS of Dallas,

DUNAGAN,

On the Part of the House.

POAGE,

REDDITT,

REGAN,

HORNSBY,

RAWLINGS,

On the Part of the Senate.

Senator Poage moved the adoption of the Conference Committee report on S. B. No. 15.

The motion prevailed by viva voce vote.

**Recess.**

The Senate at 12:00 o'clock noon recessed until 2:00 p. m.

**After Recess.**

The Senate met at 2:00 o'clock p. m. pursuant to recess and was called to order by Senator K. M. Regan.

**Senate Bill No. 5.**

Senator Davis called up the Conference Committee report on S. B. No. 5 with pending motion and substitute motion.

Senator Pace withdrew his amendment to the substitute.

Senator Shivers withdrew his substitute motion.

The motion to adopt the Conference Committee report on S. B. No. 5 prevailed by the following vote:



## Yeas—24.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.
Nelson.	Westerfeld.

## Nays—3.

Holbrook.	Woodruff.
Isbell.	

## Absent.

Van Zandt.

## Absent—Excused.

Fellbaum.

## (Pair Recorded.)

Senator Burns (present) who would vote nay, with Senator DeBerry (absent) who would vote yea.

## S. C. R. No. 27.

Whereas, The Free Conference report on S. B. No. 5, omits a savings clause agreed upon to preserve certain local and special laws as well as general laws with special application; and

Whereas, A savings clause was written into S. B. No. 5, while being discussed that had been agreed upon by all parties, therefore be it

Resolved by the Senate, the House of Representatives concurring, That the following wording be substituted for Section 22 of the Free Conference Committee report on S. B. No. 5, and the Enrolling Clerk is so instructed:

"All general laws in conflict with the provisions of this act, fixing or attempting to fix the compensation of officers enumerated herein, are hereby in all things repealed, except such general or special laws that do not have a statewide application. Special and local laws or general laws of local application which do not have a statewide application shall remain in full force and effect."

SHIVERS.

Read.

Senator Shivers moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed unanimously. S. C. R. No. 27 was adopted by viva voce vote.

## Vote Recorded.

Senator Poage asked to be recorded as voting "no" on adoption of S. C. R. No. 27.

## House Bill No. 77.

Senator Small sent up the following conference committee report:

## Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate,

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on H. B. No. 77,

Have had the same under consideration, and beg leave to report it back with recommendation that said H. B. No. 77 be adopted in the form hereto attached.

PACE,  
ONEAL,  
SMALL,

On the Part of the Senate.

PETSCH,  
MOFFETT,  
BRADBURY,

On the Part of the House.

## A BILL

## To Be Entitled

An Act defining the term "open saloon", and prohibiting the operation of an open saloon, and providing a penalty for its violation; regulating the traffic in alcoholic liquors in this State, and prescribing penalties for the violation of offenses defined in connection therewith; creating the Texas Liquor Control Board, prescribing the qualifications and duties of the members thereof, and vesting it and other departments of State government with power to administer the provisions of this Act; providing for local option elections in counties, justice precincts, incorporated cities and towns to determine whether or not the quali-

fied voters desire to authorize the sale of intoxicating liquors having various alcoholic contents; establishing a system of permits and licenses for persons engaged in the various phases of the liquor traffic; levying fees and taxes, and providing for their collection and allocating the fees and taxes collected; repealing Chapter 7, Title 11, Penal Code of 1925; Title 80, Revised Civil Statutes, 1925; Chapter 116, Acts of the Regular Session, Forty-third Legislature, and all amendments thereto; defining terms used in the Act, making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

### Article I

Section 1. This Act may be cited as the "Texas Liquor Control Act."

Sec. 2. This entire Act shall be deemed an exercise of the police power of the State for the protection of the welfare, health, peace, temperance, and safety of the people of the State, and all its provisions shall be liberally construed for the accomplishment of that purpose.

Sec. 3. (a) The term "open saloon", as used in this Act, means any place where any intoxicants whatever, manufactured in whole or in part by means of the process of distillation, or any liquor composed or compounded in part of distilled spirits, is sold or offered for sale for beverage purposes by the drink or in broken or unsealed containers, or any place where any such liquors are sold or offered for sale for human consumption on the premises where sold.

(b) It shall be unlawful for any person, whether as principal, agent or employee, to operate or assist in operating, or to be directly or indirectly interested in the operation of any open saloon in this State.

(c) It shall be unlawful for any person who is authorized by law to sell malt or vinous liquors for consumption on the premises where sold, or any person who acts as agent or employee of any person, firm, or corporation authorized to sell malt or vinous liquors for consumption on the premises where sold, to have in his possession, at or near the prem-

ises where such malt or vinous liquors are sold for such purpose, any liquor produced by the process of distillation or any liquor containing alcohol in excess of fourteen per cent (14%) by volume.

(d) Any person who violates any portion of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00), or by imprisonment in the county jail for not more than one year. Any person who is twice convicted under the provisions of this section shall for the second and all subsequent offenses be punished by fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), and by confinement in the county jail for not less than thirty (30) days nor more than one (1) year.

(e) Any person who violates any provision of Article I of this Act other than those contained in this Section shall be subject to the penalties prescribed by Sections 41, 42, 43, and 44.

Sec. 3-a. Whenever the word liquor is used in this Act it shall mean and refer to any alcoholic beverage containing alcohol in excess of four per cent (4%) by weight unless otherwise indicated.

Sec. 4. Unless otherwise herein expressly excepted it shall be unlawful for any person to manufacture, sell, possess for the purpose of sale, import into this State, or transport any alcohol or any liquor. Unless the exceptions hereinafter made to this Section are clear and specific they shall not obtain in favor of any person with respect to any prohibited act and they shall be strictly construed for the accomplishment of this purpose. It is further expressly provided that any rights or privileges that are granted herein to any person as exceptions to the prohibitions contained in this Section shall be enjoyed and exercised only in the manner provided by this Act.

Sec. 4. (a) It shall be unlawful for any person to manufacture, sell, possess for the purpose of sale, import into this State, or transport liquor in wet areas or dry areas without first having obtained a permit or without first having complied with

all other terms and provisions of this Act; provided however that the prohibition contained in this Section against the transportation of liquor shall not apply to a person who has purchased such liquor for his own consumption and is transporting the same from a place where the sale thereof was lawful and to a place where its possession by him is lawful; provided further, that the prohibition contained in this Section against the importation and transportation of liquor shall not apply to a person who is bringing into this State not more than one (1) quart of liquor for his own personal use.

Sec. 4. (b) It shall be unlawful for any person to manufacture, sell, transport or possess for the purpose of sale in any dry area under this or any other act in this State any liquor containing alcohol in excess of one-half of one per centum by volume; provided however, it shall be lawful for the holders of carrier permits and private carrier permits to transport such liquor from one wet area to another wet area where, in the course of such transportation, it is necessary or convenient to cross such dry area; provided further that this Section shall not apply to the holders of industrial or medicinal permits; provided further, that this Section shall not apply to liquor of a type or alcoholic content that has been legalized in any such prescribed area.

Sec. 5. There is hereby created a Board named the Texas Liquor Control Board, consisting of three (3) persons, all of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated by the Governor to be Chairman of the said Board, and said members shall receive their actual expenses while engaged in the performance of their duties and a per diem of Ten Dollars (\$10.00) per day for not exceeding sixty (60) days for any one year. Each member at the time of his appointment and qualification shall be a resident of the State of Texas and shall have resided in said State for a period of at least five (5) years next preceding his appointment and qualification, and he also shall be a qualified voter therein. Of the members initially appointed each shall hold office from the date of his appointment for the following re-

spective terms, and until their respective successors shall qualify: One member for two (2) years, one for four (4) years, and one for six (6) years from the effective date of the Act. Each member may be initially appointed on or subsequent to the date this Act goes into effect. The Governor, at the time of making and announcing the appointment of said three (3) members, as well as in the commission issued by him to each of them shall designate which of said members shall serve for each of the said respective terms, and also which shall be the Chairman of the Board.

Upon the expiration of each of said terms, the term of office of each member thereafter appointed, shall be six (6) years from the time of his appointment and qualification, and until his successor shall qualify. In case any member shall be allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in said Board shall be filled by the Governor for the unexpired term. Each member shall be eligible for reappointment in the discretion of the Governor. No person shall be eligible for appointment, or shall hold the office of member of the Board, or be appointed by the Board, or hold any office or position under the Board, who has any connection with any association, firm, person, or corporation engaged in or conducting any alcoholic liquor business of any kind or who holds stocks or bonds therein, or who has pecuniary interest therein, nor shall any such person receive any commission or profit whatsoever from or have any interest whatsoever in any purchase or sales of any alcoholic liquors.

The office of the Board shall be in the City of Austin, Texas,

The said Board shall meet at such times within the City of Austin as the Board shall determine, and the members thereof shall be entitled to their reasonable expenses for each meeting so attended, and the per diem hereinabove referred to. A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Board.

The Board shall appoint an Administrator who shall serve at the

Board's pleasure and who shall under the supervision of the Board administer the provisions of this Act. He shall receive a salary not exceeding Five Thousand Dollars (\$5,000.00) per annum, and shall execute a bond, in the sum of Ten Thousand Dollars (\$10,000.00) payable to the State of Texas, conditioned as the Board shall require.

The Board and/or Administrator shall appoint all necessary clerks, stenographers, inspectors, and chemists and other employees to properly enforce the provisions of this Act. No person shall be eligible for any appointment who has any financial connection whatever with any person engaged in or conducting any liquor business of any kind, or who holds stock or bonds therein, or who has any pecuniary interest therein, nor shall any such person receive any commission or profit whatever from, or have any interest whatsoever in, the purchases or sales made by persons authorized by this Act to manufacture, purchase, sell, or otherwise deal in the liquor business.

The Administrator shall act as manager, secretary and custodian of all records unless the Board shall otherwise order.

The Administrator shall devote his entire time to said office.

The Board and/or Administrator shall fix the duties, salaries, and wages of all employees authorized by this Act but such compensation, salaries, and wages shall not be greater than the salaries fixed for similar positions and duties in other departments of the State government. The salaries herein authorized shall not continue in effect beyond the effective date of the General Appropriation Bill of the Forty-fourth Legislature. The Board shall likewise have power to require any employee authorized by this Act to give bond for the faithful performance of his duties in such an amount and under such conditions as it may deem adequate and proper.

It shall be the duty of the Board, during the month of January of each year, to make a report to the Governor, concerning its administration of this Act.

Sec. 6. Among others, the functions, powers and duties of the Board shall include the following:

(a) To control the manufacture, possession, sale, purchase, transporta-

tion, importation, and delivery of liquor in accordance with the provisions of this Act, and make all necessary rules and regulations to fully and effectually accomplish such purpose.

(b) To grant, refuse, suspend, or cancel permits for the purchase, transportation, importation sale or manufacture of liquor or other permits in regard thereto.

(c) To investigate and aid in the prosecution of violations of this Act and other Acts relating to liquor, to make seizure of liquor manufactured, sold, kept, imported, or transported in contravention hereof, and apply for the confiscation thereof whenever required by this Act, and co-operate in the prosecution of offenders before any Court of competent jurisdiction.

(d) To exercise all other powers, duties, and functions conferred by this Act, and all powers incidental, convenient, or necessary to enable it to administer or carry out any of the provisions of this Act and to publish all necessary rules and regulations and mail the same to all interested parties.

(e) In the event the United States government shall provide any plan or method whereby the taxes on liquor shall be collected at the source, the Board shall have the right to enter into any and all contracts and comply with the regulations, even to the extent of partially or wholly abrogating any provisions hereof which may be in conflict with Federal law or regulations to the end and that the Board shall receive the portion thereof allocated to the State of Texas, and to distribute the same as in this Act provided.

(f) To require that any liquor sold in this State shall conform in all respects to the advertised quality and quantity of such products.

(g) To license, regulate, and control the use of alcohol and liquor for scientific, pharmaceutical and industrial purposes, and to provide by regulation for the withdrawal thereof from warehouses and denaturing plants and to prescribe the manner in which the same may be used for scientific research or in hospitals and sanatoria, in industrial plants, and for other manufacturing purposes, tax free.

Sec. 7. The Board, the Administrator and any inspector under the direction of the Board, shall, for the purposes contemplated by this Act, have power to issue subpoenas, compel the attendance of witnesses, administer

oaths, certify to official acts, take depositions within or without the State of Texas, as now provided by law, and compel the production of pertinent books, accounts, records, documents, and testimony.

If a witness in attendance before the Board or one of its authorized representatives refuses without reasonable cause to be examined or to answer a legal or pertinent question, or to produce a book, record, or paper when ordered to do so by the Board, the Board may apply to the Judge of the District Court of any county where such witness is in attendance, upon proof by affidavit of the fact, for a rule or order returnable in not less than two (2) nor more than five (5) days, directing such witness to show cause before the Judge who made the order or any other District Judge of said county, why he should not be punished for contempt; upon the return of such order the Judge before whom the matter shall come for hearing shall examine under oath such witness or person, and such person shall be given an opportunity to be heard; and if the Judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or answer a legal or pertinent question, or to produce a book, record or paper which he was ordered to bring or produce, he may forthwith punish the offender as for contempt of Court.

Subpoenas shall be served and witness fees and mileage paid as in civil cases in the District Court in the county to which such witness shall be called. Witnesses subpoenaed at the instance of the Board shall be paid their fees and mileage by the Board out of funds herein appropriated.

Sec. 8. No person shall import into this State any liquor, in excess of one (1) quart, from any source unless a permit be first obtained from the Board, and any person so purchasing or importing liquor in violation of this Section shall be subject to the penalties as hereinafter provided. In addition to the penalties hereafter provided, any person violating the provisions of this section shall forfeit the liquor so imported to the Board as herein provided.

Sec. 9. It shall not be necessary for any information, complaint or indictment to negative any exception contained in this Act concerning any

prohibited Act; provided, however, that any such exception made herein may be urged as a defense by any person charged by such complaint, information, or indictment.

Sec. 10. Every applicant for a brewer's, distiller's, winery (except Class B wineries), rectifier's, wholesaler's, beer and wine wholesaler's, or package store permit, under this Act shall give notice of such application by publication for two consecutive days in a newspaper of general circulation published in the city or town in the county in which applicant's place of business is located, provided that in any county where no daily newspaper is published, such notice shall be published once a week for two consecutive weeks; in those counties in which no newspaper is published, the notice shall be published in a qualified newspaper published in the closest neighboring county. Such notice shall be printed in ten (10) point black face type, the cost of which notice shall be borne by the applicant. The Board may require of every applicant for a permit the recommendation in writing of the County Judge of the county of his residence and it shall take such recommendation into consideration before granting or refusing such license. The Board shall have authority to issue temporary permits for periods not exceeding ninety (90) days immediately following the passage of this Act, but not thereafter.

Sec. 11. The Board shall refuse to issue a permit to any applicant if it has reasonable grounds to believe and finds any of the following to be true.

(a) That an applicant to sell at retail has been provided with funds by or has any financial or business connection with a manufacturer of, or wholesale dealer in, liquor.

(b) That the applicant is in the habit of using alcoholic beverages to excess or habit-forming drugs.

(c) That the applicant has been convicted of violating any of the alcoholic liquor laws of this State, general or local, or of any rule or regulation promulgated in pursuance hereof.

(d) That there is any other reason which, in the opinion of the Board based on general welfare, health, peace, morals, and safety of the people, warrants its refusal to grant such permit.

(e) That the Board believes, or has reason to believe, that the applicant will sell, or knowingly permit any agent to sell liquor in dry territory.

Sec. 12. The Board and/or Administrator shall cancel or suspend after notice and hearing any such permit granted if it is found that any of the following is true:

(a) That the permittee has violated any provision of this Act or Acts amendatory thereof, or any valid rule or regulation of the Board.

(b) That the permittee had made any false representations or statements to the Board in order to induce or prevent action of the Board.

(c) That the permittee is not maintaining an acceptable bond.

(d) That any retail permittee is acting as an agent of a manufacturer or wholesaler of alcoholic liquors, or has borrowed money or property or accepted gratuities therefrom, or has any connection therewith.

(e) That the permittee maintains a noisy, lewd, disorderly, or unsanitary establishment, or has been supplying impure or otherwise deleterious beverages.

(f) That the permittee is insolvent or incompetent or physically unable to carry on the management of his establishment.

(g) That the permittee is in the habit of using liquor to excess or habit-forming drugs.

(h) That the permittee knowingly has sold liquor to persons under twenty-one (21) years of age, to persons known to be drunkards, or to persons visibly intoxicated at the time of sale.

(i) That the permittee has misrepresented to a customer or the public any liquor sold by him.

(j) That there is any other reason which, in the opinion of the Board, based on the general welfare, health, peace, morals, and safety of the people of the State, warrants cancelling or suspending such permit.

The governing authorities of any city or town or the Commissioners' Court of any county shall have power to institute proceedings for the revocation or suspension of any permit granted hereunder. Such proceedings may be instituted by the filing of a complaint with the Board, and it shall be the duty of the Board to

forthwith hear the same in accordance with the terms of this Act.

Notice of cancellation or suspension, stating the reason therefor, shall be served upon the permittee, or upon whatever person may be in charge temporarily, or otherwise, of the licensed premises, or shall be affixed to the outside of the door of the licensed premises, or shall be sent by United States registered mail addressed to the permittee at the licensed premises, and said cancellation notice shall be published by the Board once a week for three (3) consecutive weeks in the county in which the licensed premises are located, or if no newspaper is published in said county, in a newspaper in a neighboring county. Cancellation or suspension shall take effect upon the affixing, service, delivery, or first publication of such notice. Such affixing, service, or delivery, or publication of a cancellation or suspension shall be adequate notice to all parties concerned. The publication or posting of such notices shall be privileged.

In the event of resort to any Court from an order of cancellation or suspension in whatever form the proceedings may be brought, it shall in no wise act as a supersedeas of the order of cancellation or suspension. The permit so cancelled or suspended shall stand cancelled or suspended pending the final disposition of the proceedings as hereinafter conditioned. No refund of permit fees shall for any reason be made by the Board.

In addition to the other powers herein granted to it, the Board shall have power to suspend or cancel any license issued under the provisions of Article II of this Act for the violation of any applicable provision contained in either Article I or Article II of this Act, or for violation of any rule or regulation promulgated in pursuance thereof. Suspensions or cancellations shall be had in the manner and to the effect prescribed in the preceding paragraph. The Board may summarily cancel any such license where the holder thereof is found in possession of spirituous liquors on the licensed premises in violation of Sections 3 (c) and 15 (r) of Article I of this Act.

All notices, orders, records, and publications authorized or required by the terms of this Act shall be

privileged. It is further provided that the certificate of the Board or the Administrator concerning any rule or regulation or other order promulgated under the terms hereof shall be prima facie evidence of the validity thereof, and the same shall be admissible as evidence in all Courts in this State.

Sec. 13. Any permit granted under this Act shall be a purely personal privilege, good for the year in which issued, and ending on August 31st of each year at 12 o'clock midnight, and revocable for the causes herein stated, subject to appeal as hereinafter provided, and shall not constitute property, nor shall it be subject to attachment or execution, nor shall it descend by the laws of testate or intestate devolution, but shall cease upon the death of the permittee; provided, that the Board may, by regulation, provide for the time and manner in which the successor in interest of any deceased, insolvent, or bankrupt permittee may dispose of alcoholic liquors left on hand by the permittee.

Sec. 14. And in the event of any person being aggrieved by any decision, rule, or order of the Board, such person shall have the right of an appeal therefrom to the District Court of the County in which a decision, rule, or order in such case would become effective, said suit to be against the Board alone as defendant, and such suit shall be tried de novo, and be governed by the same rules as other suits in said Court, and during the pendency of such suit the order of the Board may be suspended by interlocutory order of the Court pending a hearing on the merits. Such cause shall be tried before the Judge of such Court within ten (10) days after the docketing of the cause, or in the earliest possible time after such ten (10) day period, in the event the Judge is not able to try such cause within such ten (10) day period.

Sec. 15. Permits shall be of the following classes: Brewers, distillers, winery, rectifiers, wholesalers, beer and wine wholesalers, package stores, wine and beer retailers, agents, industrial, medicinal, carriers, private carriers, cartage, and storage.

(a) Brewer's Permit. A brewer's permit shall authorize the manufacture and sale of malt beverages con-

taining alcohol in excess of four per centum (4%) by weight. The annual permit fee shall be One Thousand Dollars (\$1,000.00). It shall be unlawful for any person holding a brewer's permit to sell malt beverages to any person who is not the holder of a permit authorizing him to purchase such malt beverages under this Act except when such malt beverages are sold and delivered to persons in other states.

(b) Distiller's Permit. A distiller's permit shall authorize the manufacture of spiritous beverages containing alcohol in excess of four per centum (4%) by weight and the rectification of the same. Such permit shall also authorize the importation into this State of alcoholic spirits including ethyl alcohol for use in or as ingredients in the manufacture of alcoholic spiritous beverages, but for no other purpose, and in no event for resale in this State. It shall be unlawful for any person holding a distiller's permit to sell such spiritous beverages to any one other than the holder of a wholesaler's permit under this Act unless the same be sold and delivered to a person outside this State. The annual permit fee for distillers shall be One Thousand Dollars (\$1,000.00).

(c) Winery Permits. A winery permit shall authorize the holder thereof to manufacture, bottle, package, and label wine; said permit shall also authorize the holder thereof to manufacture or import into the State grape brandy to be used exclusively for fortifying purposes by its holder on the premises for which issued. The term "wine" wherever used in this Act, shall mean the product obtained from the normal alcoholic fermentation of the juice of sound ripe grapes, fruits and berries, (other than dried grapes, fruits and berries); or any such product fortified with grape brandy and containing not more than twenty-four (24) per cent of alcohol by volume. It shall be lawful for any person holding a winery permit to sell wine direct to any other permittee and to the ultimate consumer in unbroken packages for off premises consumption. The annual permit fee for such winery shall be Fifty Dollars (\$50.00) per annum.

A class "B" winery permit shall authorize the holder thereof to man-

ufacture, bottle, package, and label wine where the grapes, fruits, and berries used in the manufacture of said wine have been produced solely upon the premises of the person where such wine is manufactured. The annual permit fee for such class "B" winery shall be Ten Dollars (\$10.00) per annum.

Nothing in this Act shall be construed to prevent or prohibit the manufacture of wines by the fermentation of grapes, fruits and berries by an individual for his own consumption and where the same is not to be sold or offered for sale.

(d) Rectifier's Permit. For the purpose of this Act "rectifier" means and includes any person who rectifies, purifies, or refines distilled spirits or wines other than vermouth by any process other than as provided for on distillery premises, or who mixes such spirits, wine, or other liquors for sale under the name of whiskey, brandy, gin, rum, spirits, cordials, bitters, or any other name. A rectifier's permit shall authorize the rectification and sale of alcoholic spirituous liquors to the holders of wholesale permits only, unless such liquors are sold and delivered to persons outside the State. Such permit shall also authorize rectifiers to import into this State alcoholic spirits for exclusive use as ingredients in the preparation of alcoholic liquors, but shall not authorize the importation of any such spirits for resale without rectification. The annual permit fee shall be One Thousand Dollars (\$1,000.00).

(e) Wholesaler's Permit. A wholesaler's permit shall authorize the holder to purchase liquor from persons authorized by law to manufacture and sell the same in this State and to import such liquor from points outside the State and to sell the same to holders of permits in this State at wholesale. Such permit shall also authorize the holder thereof to sell and deliver such liquor to persons outside this State. It shall be unlawful for the holder of such permit to sell such liquor in this State to any other person than the holder of a permit lawfully entitling him to purchase and receive the same from such wholesaler. Except as is specifically authorized for rectifiers, beer and wine wholesalers and distillers, it shall be un-

lawful for any other person than the holder of a wholesaler's permit to import liquor into this State. A separate permit shall be obtained and a separate fee paid for each wholesale outlet in this State. Wholesale druggists possessing the necessary qualifications, as well as other qualified persons, shall be entitled to a wholesaler's permit. The annual permit fee shall be Twelve Hundred Fifty Dollars (\$1250.00).

(f) Beer and Wine Wholesaler's Permit. A beer and wine wholesaler's permit shall authorize the holder thereof to purchase alcoholic malt and vinous beverages containing alcohol in excess of four per centum (4%) by weight from brewers, wineries and wine manufacturers holding permits in this State, and to import such liquors from other States, and to sell the same at wholesale only to the holders of permits in this State who are authorized to purchase and receive the same; such permit shall also authorize the holder thereof to bottle, package or label wines purchased from wineries or wine manufacturers either within or without this State; such permit shall also authorize the holder thereof to sell and deliver such liquor to persons outside of this State. The annual fee shall be One Hundred Dollars (\$100.00).

(g) Package Store permit: A package store permit shall authorize the holder thereof to purchase the liquor specified in the permit from the holders of winery, wholesaler's and beer and wine wholesaler's permits. Such permit shall authorize the holder to sell at retail to consumers in unbroken packages only and not for consumption on, at, or near the premises where sold; provided, that a hotel as herein defined which has secured a package store permit may deliver liquor at retail in unbroken packages to the rooms of bona fide guests of such hotel for consumption in such rooms. It shall be unlawful for the holder of a package store permit to break or open any package or container containing liquor on, at, or near his premises, or to sell, barter, exchange, deliver, or give away any drink or drinks of liquor to any person from a package or container that has for any reason been opened or broken on, at, or near his premises, or to sell liquor in packages containing less than



one-half pint; provided, however, that malt or vinous beverages may be sold in "splits," in containers of not less than six (6) liquid ounces, capacity; provided that in the case of wines it shall be lawful for the holder of a package store permit to sell the same not for consumption on the premises where sold in quantities of fifty-two (52) gallons, or less, per sale, and for that purpose may break or open any package, receptacle or container and transfer said wine to another receptacle, package or container of the same or different size. Provided further, that the vendor in all such cases shall affix to the receiving receptacle, package or container a stamp to be issued by the Board stating that the contents has been withdrawn from a tax-paid container.

Package stores shall not have curtains, hangings, signs or any obstruction which will prevent a clear view at all times of the interior of the store; provided, nothing contained herein shall prevent window display or drug merchandise by a drug store having a Package Store Permit.

Hotels and drug stores as herein-after defined, as well as other qualified persons, may obtain package store permits. The annual permit fee for a package store permit shall be:

In cities and towns having a population of five thousand (5,000) inhabitants or less, according to the last preceding Federal Census, the fee shall be Fifty Dollars (\$50.00); in cities and towns having a population of more than five thousand (5,000) and less than twenty-five thousand (25,000) inhabitants, according to the last preceding Federal Census, the fee shall be One Hundred Twenty-five Dollars (\$125.00); in cities and towns having a population for more than twenty-five thousand (25,000) and less than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, the fee shall be One Hundred and Seventy-five Dollars (\$175.00); in cities and towns having a population of more than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, the fee shall be Two Hundred and Fifty Dollars (\$250.00); the fee outside of in-

corporated cities and towns shall be Fifty Dollars (\$50.00); Provided that the annual fee for package store permit to sell wines only shall be: in cities and towns having a population of two thousand (2,000) inhabitants or less, according to the last preceding Federal Census, the fee shall be Five Dollars (\$5.00); in cities and towns having a population of more than two thousand (2,000) and less than five thousand (5,000) inhabitants, according to the last preceding Federal Census, the fee shall be Seven and One-half (\$7.50) Dollars; in cities and towns having a population of more than five thousand (5,000) and less than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the fee shall be Ten Dollars (\$10.00); in cities and towns having a population of more than ten thousand (10,000) inhabitants, according to the last preceding Federal Census, the fee shall be Twelve and One-half Dollars (\$12.50). The fee for a package store permit for wine only outside the limits of an incorporated city or town shall be Five Dollars (\$5.00).

The Board is prohibited from issuing more than five package store permits to any one person.

(h) Agents Permit. No person shall act as agent or salesman for the sale of, or for taking or soliciting orders for the sale of, any liquor irrespective of whether such sale is to be made within or without the State unless such person shall have an agent's permit. In applying for such permit such agent shall set forth the name and address of each and every person whom he represents, and shall furnish such other information as may be required by the Board. It shall be unlawful for any agent to represent any person whose name does not appear upon said permit as his employer, or to act as agent or salesman for any person not named therein. The annual fee for such permit shall be Five Dollars (\$5.00).

(i) Industrial Permit. No provision of this Act shall apply to alcohol intended to be used for industrial, mechanical and scientific purposes. Industrial permits may be issued to persons desiring to import, transport and use alcohol for use in the manu-

facture and sale of any of the following, tax free:

- (1) Denatured alcohol;
- (2) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations;
- (3) Flavoring extracts, syrups, condiments and food products;
- (4) Scientific, chemical, mechanical, industrial, and medicinal products and purposes.

It shall be unlawful for any person to knowingly sell any of the products enumerated in paragraphs (1), (2), (3) and (4) for beverage purposes or to sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purpose.

It shall be unlawful for any person to purchase, transport, or use alcohol for any purpose enumerated in this section unless and until he shall have secured an industrial permit; provided, however, that nothing in this section shall restrict the purchase, sale or possession without any permit therefor of denatured alcohol by any person after the same has been so produced and so long as it shall retain its character as denatured alcohol. The annual fee for an industrial permit shall be Ten Dollars (\$10.00).

(j) Carrier's Permit. The word "carrier" when used in this section shall mean and include steam and electric railway carriers and common carrier motor carriers operating under a certificate of convenience and necessity issued by the Railroad Commission of Texas and/or such certificates issued by the Interstate Commerce Commission. The holder of such certificate shall be authorized to transport liquor into and out of this State and between points within this State. Such carriers shall furnish such information concerning the transportation of liquor into this State or between points in this State as shall be required of them by the Board. It shall be unlawful for any such carrier to transport and deliver liquor to any person in a dry area in this State unless the same be for a lawful purpose as defined in this Act.

The restrictions contained in this Section shall not apply to steam railway carriers and certificated com-

mon carriers motor carriers when in the course of an interstate or foreign shipment of liquor it is necessary for them to cross this State in the course of such transportation.

Such a carrier shall be entitled to a Carrier's Permit upon payment of Five Dollars (\$5.00).

(k) Private Carrier's Permit. Brewers, distillers, wineries, rectifiers, wholesalers, and beer and wine wholesalers, shall be entitled to transport liquor from the place of sale or distribution to the purchaser, upon vehicles owned in good faith by such permittees when such transportation is for a lawful purpose; provided, however, that such permittees shall not be permitted to engage in the business of transporting for hire such liquor in violation of the motor carrier laws of this State, and any such permittee desiring to engage in such business shall first secure a certificate or permit, as the case may be, from the Railroad Commission of Texas under the terms of the motor carrier laws, and shall be required to comply with the provisions of such laws. Motor vehicles used for such transportation shall be fully described in the application for a private carrier permit and such application shall contain all information which shall be required by the Board. Motor vehicles used by such permittees for the transportation of liquor within this State shall have printed or painted on both sides of said vehicles the trade or business name of the holder of the permit and also the number of the private carrier permit. It shall be unlawful for any such permittee above named to transport liquors in any vehicle not fully described in the application for the permit. Any such permittee violating any rule or regulation promulgated in pursuance of this section shall have his private carrier permit cancelled and shall not be permitted to transport any liquor in any vehicles owned by him for a period of two (2) years. It shall further be unlawful for any such permittee to transport liquor without first having obtained a private carrier permit. The annual fee for such permit shall be Five Dollars (\$5.00).

(l) Local Cartage Permit. The Board is hereby authorized to issue

Local Cartage Permits to warehouse or transfer companies desiring to transport liquor for hire within the corporate limits of any city or town within this State. It shall be unlawful for any person to transport liquor within any city or town unless and until he shall have secured such permit or to transport the same in violation of the motor carrier laws of this State. In the case of local cartage, liquors shall not be transported by the holder of such Local Cartage Permit unless and until a description of the vehicle or vehicles used in such transportation shall be furnished as may be required by the Board; and each such vehicle shall be plainly marked or lettered in such manner as to plainly indicate that such vehicle is being used for the transportation of liquors by the holder of a Local Cartage Permit. The transportation of liquor by the holder of a Local Cartage Permit in any vehicle not so described and marked shall be unlawful and shall constitute grounds for the cancellation of such permit. In the event such local Cartage Permit is cancelled for a violation of this provision or for violation of any rule or regulation promulgated in pursuance of this Section, such cancellation shall operate as a bar, both as against all of the vehicles owned and operated by such local cartage permittee, as well as against the holder of such permit for a period of two (2) years. It shall be unlawful for the holder of a Local Cartage Permit to transport liquor for hire between incorporated cities or towns in this State unless and until he shall have fully complied with the requirements of the motor carrier laws of this State governing the issuance of "carrier" permits. The annual fee for Local Cartage permits shall be Five Dollars (\$5.00).

(m) Storage Permit. The holders of brewery, distillery, winery, rectifier, wholesaler and beer and wine wholesaler permits shall be authorized to secure Storage Permits for one or more private warehouses for storage purposes at their place or places of business for liquors owned by them without being required to pay any additional permit fees. Such permittees shall also be authorized to store liquors owned by them in public bonded warehouses that have

secured storage permits as hereinafter provided. Each separate warehouse, public or private, used by any permittee for storage purposes shall be separately licensed. No permit shall be granted for the storage of liquor in any dry area. When liquors are stored by permittee at any warehouse, public or private, it shall be his duty to report the quantity and character of liquor so stored to the Board. Warehouses, both public and private, shall report to the Board within twenty-four (24) hours any and all withdrawals of liquor from storage, giving the quantity and character of liquor so withdrawn, by whom withdrawn, where and how shipped, together with a statement of the quantity and character of liquor remaining in storage to the credit of the account from which withdrawal was made, it being the intent of this Section to provide the Board with a perpetual inventory of liquor stocks in storage at all times. Permittees desiring to store liquors in public or private warehouses shall furnish all information which shall be required and observe all regulations which may be promulgated in pursuance of this Section. The annual permit fee to be paid by permittees for storage in public warehouses shall be Fifty Dollars (\$50.00) and no liquor shall be stored in other than warehouses which have secured a permit as hereinafter required.

All warehouses, both public and private, desiring to receive and store liquor for permittees shall apply for a permit and shall furnish such information concerning liquor stored and withdrawn from such storage as may be required under any rule or regulation adopted in pursuance of this Section. Such warehousemen shall give a surety bond in such amount as may be required of them. The annual permit fee for public warehousemen receiving and storing liquor shall be Fifty Dollars (\$50.00) and no permit shall be issued to a public warehouse other than a bona fide bonded warehouse that derives at least fifty per cent (50%) of its gross revenue from the storage and handling of household goods, or merchandise other than liquors. Annual permits for private warehouses may be issued to holders of brewery, distillery, winery, rectifier, wholesaler, or beer and wine wholesaler

permits, for the storage of their own liquors on their own premises without additional fees.

(n) Medicinal Permit. Retail druggists, hospitals, sanatoria and other like businesses and institutions shall be entitled to receive a permit to purchase and sell to qualified persons liquors for medicinal purposes. Medicinal permits shall allow the holders thereof to purchase liquor for medicinal purposes from only wholesale druggists holding wholesaler's permits under subsection (e) of this Section. Such businesses and institutions shall secure permits before handling liquor and no such permits shall be issued for any other than strictly medicinal purposes; provided that any drug store applying for a permit shall have been in operation for a period of two (2) years prior to the date of such application; and provided, further, that nothing contained herein shall prohibit or interfere with bona fide drug stores or pharmacies obtaining a supply of alcohol for the manufacture of medicinal preparations unfit for beverage use, or the compounding of prescriptions in the practice of pharmacy. Nor shall anything contained herein prevent or prohibit bona fide or chartered schools, colleges or universities from obtaining alcohol for scientific or laboratory use. Such businesses and institutions shall keep such records of sales and purchases as may be required by regulations issued in pursuance of this Section.

No liquors for medicinal purposes shall be dispensed, sold, or delivered to any person in this State except upon a prescription issued in the legitimate practice of medicine by a physician licensed to practice medicine in this State of Texas and who is not addicted to the use of any narcotic drug. Such physician shall not prescribe more than one quart of liquor to any person at any one time. A copy of each prescription issued by a physician shall be preserved by the pharmacist or druggist filling such prescription for a period of two (2) years. Any physician and/or druggist conspiring with a druggist or physician for the handling of prescriptions to be used for the dispensing of liquor for beverage purposes shall both be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00)

nor more than One Thousand Dollars (\$1,000.00), and each prescription so issued shall constitute a separate offense. Prescriptions for liquor must be signed by the physician, using his legal signature as he customarily signs it, and each prescription must bear the date and name and address of the patient. Prescriptions for liquor must be filled within twenty-four (24) hours after the time of issuance. Such prescription so filled shall be subject to inspection; and if any druggist or pharmacist shall sell any liquor without a physician's prescription therefor, or for any other purpose than medicinal purposes, his permit shall be cancelled and he shall be denied the right to handle liquor for medicinal or any other purpose for a period of two (2) years. Any physician who shall prescribe liquor for any other than medicinal purposes shall be denied the right to issue prescription for liquor for a period of two (2) years. Physicians desiring to issue prescriptions for liquor for medicinal purposes shall apply for and obtain a permit therefor. It shall be unlawful for a physician to issue a prescription for liquor for medicinal or other purposes unless and until he shall have obtained such a permit. The annual permit fee for physician's permit shall be Five Dollars (\$5.00). The annual permit fee for druggist's or pharmacist's permit in dry areas shall be Fifty Dollars (\$50.00); in wet areas the annual permit fee for druggists or pharmacists shall be the same as the annual permit fees for package stores in such areas.

(o) All permit fees levied by this Act except wine and Beer Retailer's Permits shall be paid in advance for one year unless such fee be collected for only a portion of the year. In such event, the fee required shall cover the period of time from the date of the permit to midnight of August 31st succeeding, and only the proportionate part of the fee levied for such permit shall be collected. The fractional part of any month remaining shall be counted as one month in calculating the fee that shall be due.

(p) Except as to Agent's, Industrial, Medicinal, Carrier's, Private Carrier's, Local Cartage and Storage Permits, and as to such wine and beer Retailer's Permits as shall be issued to operators of dining cars, and Class "B" Winery Permits, the Commissioner's Court of each County in this State shall have the power to

levy and collect from every person that may be issued a permit hereunder in said county a fee equal to one-half ( $1/2$ ) of the State fee; and the city or town wherein the permittee is domiciled shall have the power to levy and collect a fee not to exceed one-half ( $1/2$ ) of the State fee, but no other fee or tax shall be levied by either. But nothing herein contained shall be construed as preventing the levying, assessing, and collecting general ad valorem taxes on the property of the said persons.

(q) Wine and Beer Retailer's Permit. The Board is authorized to issue Wine and Beer Retailer's Permits. The holders of such permits shall be authorized to sell from broken packages or unsealed containers for consumption on the premises where sold, vinous and malt beverages containing in excess of one-half of one per centum (1%) of alcohol by volume, and not more than fourteen per centum (14%) of alcohol by volume.

The annual permit fee for such permit shall be Thirty Dollars (\$30.00); provided that if same is issued for a railway dining, buffet or club car it shall be Five Dollars (\$5.00) for each car; provided, however, that such permit shall be inoperative in any dry area, as the same is defined in this Act.

Wine and Beer Retailer's Permits, except those to operators of railway dining, buffet or club cars, shall be applied for and fees paid in the manner provided in Article II of this Act for licensing retail beer dealers; and every Wine and Beer Retailer's Permit shall authorize the holder thereof to also sell beer containing not more than four per centum (4%) of alcohol by weight without need of separate license; provided, further, that all provisions of said Article II relating to refund of fees shall be applicable to such permits.

(r) No person holding a package store permit shall be issued a wine and beer retailer's permit or a beer retailer's license under Article II of this Act; nor shall a person holding a wine and beer retailers permit or a beer retailers license under Article II of this Act be issued a package store permit. It shall be unlawful for any person authorized to sell wine or beer for consumption on the premises where sold, to have in his possession on such premises any distilled spirits of any character and/or liquor pro-

duced by the proceeds of distillation or liquor containing alcohol in excess of fourteen per centum (14%) by volume; provided however that the restrictions in this subdivision and in Section 3 (c) of this Act shall not apply to hotels so as to prohibit such hotels from holding package store permits as well as wine and beer retailers permits; provided, that if any hotel or owner, operator, or manager thereof shall knowingly or carelessly permit to be used or drunk in any place covered by the wine and beer retailers permit held by such hotel any intoxicating liquor not permitted to be sold under such wine and beer retailers permit, the Board or the Administrator shall on a finding of fact by the Board or Administrator that such use or drinking has been so permitted, cancel and revoke both the package store permit and the retailers permit held by such hotel, and such hotel shall not be eligible for one year from the date of such cancellation to hold directly or indirectly either a retailers permit or a package store permit. It shall be the duty of the Board to adopt rules and regulations absolutely segregating the conducting of business by hotels under such permits.

(s) All permits provided for in Article I of this Act, except wine and beer retailers permits, shall be applied for and obtained from the Board. Notice of all such applications for permits (except wine and beer retailers permits) shall be given to the County Judge of the County wherein applicant's place of business is located. Such notice shall be given by the Board. The Board shall prepare and furnish forms for all such applications. Each application shall be accompanied by a cashier's check or money order for the amount of the fee due the State, payable to the order of the State Comptroller. In the event such application be rejected, such check or money order shall be returned to the applicant.

(t) It shall be unlawful to issue a permit authorizing the manufacture, transportation or sale of liquor of a type, or of an alcoholic content which is illegal in the area where such permit is sought or where any act is to be performed thereunder which is illegal in the prescribed area.

Sec. 15a. Nothing in this Act shall be construed as limiting the right of any minister, priest or rabbi, or re-

ligious organization from obtaining sacramental wine for sacramental purposes only, directly from any lawful source whatsoever, whether from within the limits of the State of Texas or from outside the State; nor shall any fee or tax be charged, directly or indirectly, for the exercise of this right. The Board shall have the power and authority to make rules and regulations concerning the importing of any such wine, for the purpose of preventing any unlawful use of such right.

Sec. 16. All bonds required by this Act shall be executed by a surety company duly authorized and qualified to do business in this State. The Board shall not cancel any surety bond until said surety company shall have paid and discharged in full all of its liability upon said bond to the State to the date of said cancellation. The holders of all permits except carriers and retailers of wine and beer and package store permittees authorized to sell wine only shall be required to make bonds in sums not less than One Thousand Dollars (\$1,000.00) and not exceeding Twenty-five Thousand Dollars (\$25,000.00). The Board in its discretion may fix the amount of bond which shall be required for each class of permittees. All bonds required of permittees shall be payable to the State of Texas conditioned that so long as the applicant holds such permit unrevoked he will not violate any of the provisions of any of the laws of this State relating to the traffic in, transportation, sale or delivery of liquor or any of the valid rules or regulations of the Board, and in the case of such permittees as are required to account for taxes and fees that such permittees will account for and pay all permit fees and taxes levied by this Act.

Sec. 17. No person holding a permit under this Act that authorizes the retail sale of liquor, and no officer, employee, or agents thereof shall acquire or hold or own or possess either in his own name or in the name of any other person, by means of the ownership of corporate stock in a corporation, holding any wholesaler's permit, brewer's, distiller's, winery, rectifier's or beer and wine wholesaler's permit, or by means of any participating interest or other interest, or by means of any title or device or trustee-ship or

otherwise any financial interest in or to any of said last named permits, or in and to the business thereof, or in and to any company or corporation holding any such permits nor shall the holders of permits to distill, rectify, or manufacture liquor or engage in the business of selling such liquor at wholesale own any such interest in the business or premises of the holder of a permit authorizing the retail sale of liquor. The permit of any person authorizing him to sell liquor at retail who shall have any such interest in the business of any such permittee, or who shall knowingly permit any of his officers, employees or agents to so hold the same, shall be subject to cancellation by the Board.

Sec. 17a. It shall be unlawful for any person to sell or offer for sale in this State any alcoholic liquors under the name or brand of "whiskey," or that has printed or otherwise labeled upon the bottle or container containing such alcoholic liquor the term "whiskey," unless such alcoholic liquor be an alcoholic distillate from fermented mash or grain or be a combination, mixture or blend of such distillate from fermented grains, to which there has been added neither alcohol nor other spirits distilled from material other than grain. This section does not apply to foreign types of whiskey that were manufactured in and in compliance with the laws of foreign countries.

Sec. 18. No person who has not been a citizen of Texas for a period of three (3) years immediately preceding the filing of his application therefor shall be eligible to receive a permit under this Act. No permit shall be issued to a corporation unless the same be incorporated under the laws of the State and unless at least fifty-one (51%) per cent of the stock of the corporation is owned at all times by citizens who have resided within the State for a period of three years and who possess the qualifications required of other applicants for permits; provided, however, that the restrictions contained in the preceding clause shall not apply to domestic corporations, or to foreign corporations that were doing business in this State under charter or permit prior to August 24, 1935. Partnerships, firms, and associations applying for permits shall be com-

posed wholly of citizens possessing the qualifications above enumerated. Any corporation (except carrier) holding a permit under this Act which shall violate any provision hereof, or any rule or regulation promulgated hereunder, shall be subject to forfeiture of its charter and it shall be the duty of the Attorney General, when any such violation is called to his attention, to file a suit for such cancellation in a District Court of Travis County. Such provisions of this section as require Texas citizenship or require incorporation in Texas shall not apply to the holders of agent's, industrial, medicinal and carrier's permits.

Sec. 19. If any permittee shall be convicted for the violation of any provision of this Act, or of any rule or regulation of the Board, and no appeal is pending, his bond shall be forfeited and the Board may, in its own name, institute action upon such bond for the benefit of the State. Upon proof of such conviction the Court before whom such suit is brought shall render judgment in favor of the Board for the amount of the taxes, fine, costs and fifteen (15) per centum of the face value of the bond, costs and disbursements.

Sec. 20. All persons having any liquor on hand in this State, shall, within thirty (30) days from the effective date of this Act, make a true inventory and report of such liquor to the Board and shall pay the taxes herein levied and assessed. Failure to report and pay the taxes on any such liquor shall render the same subject to confiscation by the Board as is herein provided, and shall operate as a bar to such person receiving any character of permit under this Act.

Sec. 21. There is hereby levied and imposed in addition to the other fees and taxes levied by this Act the following:

(a) A tax of eighty (80¢) cents per gallon on each gallon of spirituous alcoholic liquor, sold or offered for sale in this State; provided the minimum tax on any package of spirituous alcoholic liquor shall be five cents (5¢).

(b) A tax of two cents (2¢) on each gallon of still wine that does not contain over fourteen per cent (14%) of alcohol by volume sold or offered for sale in this State.

(c) A tax of five cents (5¢) on

each gallon of still wine containing more than fourteen per cent (14%) and not more than twenty-four per cent (24%) of alcohol by volume sold or offered for sale in this State.

(d) A tax of fifty cents (50¢) on each gallon of still wine containing alcohol in excess of twenty-four per cent (24%) by volume, sold or offered for sale in this State.

(e) A tax of twenty-five cents (25¢) on each gallon of natural sparkling wines sold or offered for sale in this State.

(f) A tax of twenty-five cents (25¢) on each gallon of artificially carbonated wine sold or offered for sale in this State.

(g) A tax of fifteen (15¢) cents on each gallon of malt liquor containing alcohol in excess of four (4) per cent by weight sold or offered for sale in this State.

The tax herein levied shall be paid by affixing stamps on each bottle or container of liquor. Said stamps shall be affixed in strict accordance with any rule or regulation promulgated in pursuance of this Act.

It shall be the duty of the holders of wholesaler's, beer and wine wholesalers and winery permits to affix said stamps on each bottle or container of liquor and to cancel the same by writing or printing thereon his name except as otherwise herein provided. In the case of wines the stamp shall be affixed to the original container and no further stamps shall be required if a portion or the whole of said contents of said original container be removed for resale as provided for in this Act. In case any bottle containing liquor be enclosed in a sealed metal container the affixing and cancellation of said stamps may be governed by rules and regulations promulgated hereunder that may allow for the affixing of said stamps to such metal container; provided that when stamps have been once affixed, as provided in this Act, no other or further stamps shall be required, regardless of how often such liquor may be sold or resold within the State; provided further that the stamps shall be affixed in such manner that their removal will require continued application of steam or water. Every holder of a wholesaler's permit shall, upon receipt of a shipment of liquor for sale within this State, under the provisions of this Act, within twenty-

four (24) hours after receiving the same and before it is offered for sale, prepare a true invoice thereof and give such other information in respect thereto as may be required by rules and regulations. Any holder of a wholesaler's permit, a distiller's permit, rectifier's permit, beer and wine wholesaler's permit, winery permit, or a brewer's permit, having in possession any liquor intended for shipment to any place without the State, shall keep such liquors in a separate compartment from that of liquors intended for sale within the State so that the same may be easily inspected and shall attach to each such package of liquor so intended for shipment without the State a stamp of the kind and character that shall be required by proper rule or regulation denoting that the same is not intended for sale within the State. When such liquors are so kept and so stamped no tax on account thereof shall be charged. For defraying the expenses thereof, a charge of the sum of Twenty-five cents (25c) shall be made for every such stamp. All such permittees authorized to transport liquor beyond the boundaries of this State shall furnish to the Board duplicate copies of all invoices for the sale of such liquors within twenty-four (24) hours after such liquors have been removed from their place of business.

Sec. 21a. Stamps for spiritous liquor shall be issued only in multiples of the rate assessed for each half pint or fractional part thereof; stamps for wine shall be issued only in multiples of the rate assessed for each quart or fractional part thereof; stamps for malt liquors containing alcohol in excess of 4% by weight shall be issued in multiples of the rate assessed for each 12 fluid ounces, or fractional part thereof; provided that where any such liquors are contained in containers of 1/5 gallon stamps shall be issued therefor at the assessed rate for each such type of liquor; provided further, the taxes herein levied and assessed shall be paid and collected by stamps as provided in this paragraph.

Sec. 22. If any permittee shall be convicted for the violation of any provision of this Act, or if he shall violate any valid rule or regulation of the Board, or shall fail to remit seasonably, any money due the State,

his surety on his bond required under this Act shall be liable for all fines and costs imposed and for all taxes due the State, and in addition thereto, a penalty amounting to fifteen per cent (15%) of the amount of the bond. When such conviction becomes final, or when such liability to the State occurs, or when any valid rule or regulation of the Board is violated, it shall be the duty of the Attorney General to institute suit on such bond for the benefit of the State, and when a recovery is had upon the bond, the judgment of the court shall recite that the permit of the principal is forfeited. When a permittee has been convicted of violating any section of this Act, the Board shall forfeit such permit and no appeal from such action shall be allowed.

Nothing in this Act shall be construed to impose upon the surety or any such bond a greater liability than the total amount thereof or the amount remaining unextinguished by any prior recovery or recoveries, as the case may be.

The surety may terminate its liability under such bond by giving thirty day's written notice thereof, served either personally or by registered mail, to the principal and to the Board; and upon giving such notice the surety shall be discharged from all liability under such bond for any act or omission of the principal occurring after the expiration of thirty days from the date of service of such notice. Unless on or before the expiration of such period the principal shall duly file a new bond in like amount and conditioned as the original in substitution of the bond so terminated, the permit of the principal shall likewise terminate upon the expiration of such period.

Sec. 23. Whenever the term "dry area" is used in this Act it shall mean and refer to all counties, justice precincts, incorporated cities or towns wherein the sale of intoxicating liquors had been prohibited by valid local option elections held under the laws of the State in force at the time of the taking effect of Section 20, Article XVI, Constitution of Texas, in the year 1919. It likewise shall mean and refer to any such area where such sale shall be pro-



hibited under the terms of this or any other Act.

The term "wet area" shall mean and refer to all other areas of the State.

As to any particular type of liquor, each county, justice precinct, incorporated city or town within this State shall be deemed to be a "dry area" unless such county, justice precinct, city or town was a "wet area" at the time Section 20 of Article XVI of the Constitution became effective and has not since said time changed its status, or unless the sale of that particular type of liquor has been legalized by local option election in such county, justice precinct, city or town, since said time.

The term "wet area" shall be construed as including in each particular instance only liquors of a type or liquors not exceeding in alcoholic content that which have been legalized by a valid local option election in the prescribed area.

The word "person" or "persons," whenever used in this Act, shall be held and construed to mean and include persons and firms, associations and corporations, whether acting by themselves or by a servant, agent or employee. The Courts of this State shall take judicial knowledge of the status of wet and dry areas as herein defined in any criminal prosecution instituted, either by complaint, information or indictment.

Sec. 23a. It shall be unlawful for any person to possess liquor for the purpose of sale in any dry area. Possession of more than one quart of liquor in such area shall be prima facie evidence that such liquor is possessed for the purpose of sale.

Sec. 24. In any city where the sale of liquor as herein defined is prohibited by its charter from being sold in its residence section, or any part thereof, such charter amendment shall remain valid and continue effective until such time as said charter provision may be repealed or amended as provided by law.

Sec. 25. No sale or delivery of liquor shall be made on or from the premises of the holder of any permit (except upon the prescription of a duly licensed physician):

(a) Between 12 o'clock P. M. and 7 o'clock A. M. on any day;

(b) On any day on which any election is being held either State or

National, in the District in which the permittee is located;

(c) On any day on which an election either county or municipal, is held in the municipality in which the permittee is located;

(d) On Sundays;

(e) The Commissioners Court of any county in the territory thereof outside of incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of intoxicating liquor by any dealer where the place of business of any such dealer is within three hundred (300) feet of any church school or other educational institution, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

Sec. 26. It shall be unlawful to employ anyone to sell liquor who is under the age of twenty-one years; provided, however, that this shall not apply to cafes and dining rooms where drinks are sold, incidentally to the conduct of said business, not in excess of fourteen (14%) per cent of alcohol by volume, and drug stores lawfully selling liquor. It shall further be unlawful for any person to knowingly sell, any liquor to any person under the age of twenty-one years, or to any person who is visibly intoxicated, or to any person known to be an habitual drunkard or to any insane person.

Sec. 27. No person shall transport into this State or between points in this State upon any public highway any liquor unless the person accompanying and in charge of such shipment shall have present and available for exhibition such bills of lading evidence of ownership, or shipment, as the Board may, by rules and regulations require, and no person shall refuse to exhibit or permit to be read or examined any such bill of lading, evidence of ownership, or shipment, by any agent or employee or deputy of the Board or any peace officer of this State.

Sec. 28. If any person shall forge or counterfeit or cause or permit to be forged or counterfeited any stamp, die, plate, official signature, certificate, evidence of tax pay-

ments, permit, license, or other instrument, or any part of any stamp, die, plate, official signature, certificate, evidence of tax payment, permit, license, or other instrument, which has been provided for in this Act or which shall hereafter be provided for, or shall knowingly utter, use or pass the same, he shall be deemed guilty of a felony and shall be punished by confinement in the State Penitentiary for any term of years not less than one nor more than five (5).

Sec. 29. Any room, building, boat, structure, or place of any kind where liquor is sold, manufactured, bartered, or given away in violation of this Act, or of any rule, or regulation of the Board, or where persons are permitted to resort for the purpose of drinking liquor in violation of the law, or any place where such beverages are kept for sale, barter, or gift in violation of law, and all liquor and all property kept and used in said place, hereby are declared to be a common nuisance and any person who maintains or assists in maintaining such common nuisances, shall be guilty of a violation of this Act. Any county, or district attorney, or the Board, or any agent or employee of this Board in the county where such nuisance exists, or is kept, or maintained, may maintain an action by injunction in the name of the State, or the Board to abate and to temporarily and permanently enjoin such nuisance. Such proceedings shall be guided by the rules of other injunction proceedings, except that the plaintiff shall not be required to give bond in such action and upon final judgment against the defendant the Court shall order that said room, house, building, structure, boat, or place of any kind shall be closed for a period of one year, or closed for a part of said time and until the owner, lessee, tenant, or occupant thereof shall give bond with sufficient surety, to be approved by the Court making the order, in the penal sum of not less than One Thousand Dollars (\$1,000) payable to the State, and conditioned that liquor will not thereafter be manufactured, possessed, sold, bartered, or given away, or furnished or otherwise disposed of therein, or kept thereon, or therein, with the intent to sell, barter, or give away, or otherwise dis-

pose of same contrary to law, and that he will pay all fines, costs, and damages assessed against him for any violation of this Act. If any conditions of such bond be violated the whole amount may be recovered as a penalty for the use of the county wherein the premises are situated.

Sec. 30. Any liquor found in the possession of any one in this State not having affixed to the bottle, or container the stamps required by this Act, except in the case of wines if satisfactory proof be given that the same has been withdrawn from a tax-paid container, or unless it has affixed to the bottle, or container a stamp that the same has been withdrawn from a tax-paid container (the board shall promulgate regulations for the affixing of such stamps), is hereby declared to be contraband and the same may be seized by the Board, or any one of its agents or employees, or by any peace officer, without warrant, and the Sheriff of the county in which such seizure is made shall take possession of said liquor so seized for sale at public auction to the highest bidder after due advertisement for a period of ten (10) days, but no sale shall be made to any person other than the holder of a wholesaler's or package store permit, and the Sheriff, before the delivery of any liquor so seized to any purchaser, shall require the purchaser to affix the proper amount of stamps to the individual containers as herein provided. Any other confiscation of liquor authorized by the provisions of this Article shall be handled in like manner. The costs of confiscation and sale shall be paid out of the proceeds derived from such sale. After the costs of such sale have been paid any balance remaining shall be remitted to the Board. It is further provided, that any liquor transported in violation of any provision of this Article shall be subject to confiscation and the same shall be sold in the manner herein provided. It is further provided, that no liquor of questionable purity and content shall be sold at public auction, but the same shall be destroyed by any officer so seizing the same upon an order of the District Court of the county where the same was seized if such Court be of the opinion that such liquor should, for such reason, be destroyed. It is further provided, that no liquor sold at public auction as herein provided shall be delivered within a period of five (5)

days after such sale, during which time the Board may, in its discretion, reject any bids and order the liquor resold until a satisfactory bid is had.

Sec. 31. It shall be the duty of all peace officers of this State, including city, county and State, to enforce all provisions of this Act and to assist the Board in detecting violations of this Act and apprehending offenders and of County Courts, in case of violation to make recommendations to the Board for revocation of permits. When ever any officer shall arrest any person for violation of this Act, he shall take into his possession all liquor which the person so arrested has in his possession, or on his premises, which is apparently being used in violation of this Act. In the event the person so arrested is convicted finally, and it is found that the said liquor has been used in violation of this Act, the same shall be forfeited to the Board and shall be delivered by the Court, or officer to it to be disposed of as herein provided.

Sec. 32. The Commissioners Court of each county in the State upon its own motion may order an election to be held by the qualified voters in said county, to determine whether or not the sale of liquors shall be prohibited or legalized in such county, and such Court shall order a local option election whenever petitioned to do so by as many as ten (10) per cent of the qualified voters of said county, or of any justice precinct, city or town, taking votes for Governor at the last preceding general election as the basis for determining the qualified voters in any such county, or political subdivision. After the first local option election held as provided in this Act, in any county, justice precinct, incorporated town, or city, no subsequent election upon the same issue in the same political subdivision shall be held within one (1) year from the date of the preceding local option election in said county, or said political subdivision of said county.

Sec. 33. When the Commissioners Court shall order an election as herein provided for, it shall be the duty of said Court to order such election to be held at the voting places within such subdivision or county upon a day not less than ten (10) nor more than twenty (20) days from the date of said order, and the order thus made shall express the object of such election and shall be held

to be prima facie evidence that all the provisions necessary to give it validity or to clothe the Court with jurisdiction to make it valid, have been duly complied with, provided that said Court shall appoint such officers to hold such elections as now required to hold general elections.

Sec. 34. The Clerk of said Court shall post or cause to be posted at least one copy of said order in each election precinct in such political subdivision or county affected, for at least six (6) days prior to the day of election, which election shall be held and the return thereof made in conformity with the provisions of the General Laws of the State, and by the election officers appointed and qualified under such laws.

Sec. 35. (a) At said election the vote shall be by official ballot which shall have printed or written at the top thereof in plain letters the words "Official Ballot." Said ballot shall have also written or printed thereon the words "For the sale of liquor," and the words, "Against the sale of liquor," or words appropriate to the election ordered, and the Clerk of the County Court shall furnish the presiding officer of each such voting box within such subdivision or county with a number of such ballots, to be not less than twice the number of qualified voters at such voting boxes and the presiding officer of each voting box shall write his name on the back of each ballot before delivering the same to the voter and each person offering to vote at each election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot; and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election, under the direction of such presiding officer when requested to do so by such voter.

(b) Those who favor the sale of liquor shall erase the words "Against the sale of liquor," by making a pencil mark through same, and those who oppose it shall erase the words "For the sale of liquor," by making a pencil mark through same. No ballot shall be received or counted by the officers of such election that is not an official ballot, and that has not the name of the presiding officer

of such election written thereon in the handwriting of such presiding officer as provided by this Act.

Sec. 36. The officers holding such election shall, in all respect not herein specified, conform to the General Election Laws in force regulating elections and after the polls are closed proceed to count the votes and within three (3) days thereafter make due report of said election to the aforesaid Court. The provisions of the General Election Laws shall be followed in calling and conducting said election where not inconsistent herewith.

Sec. 37. Said Court shall hold a Special Session on the fifth day after the holding of said election, or as soon thereafter as practicable, for the purpose of canvassing the votes and certifying the results; and if a majority of the voters are "Against the sale of liquor" said Court shall immediately make an order declaring the results of said vote, and absolutely prohibiting the sale of liquor within the said political subdivision after thirty (30) days from the date of declaring the results thereof, and thereafter until such time as the qualified voters therein may thereafter at the legal election held for such purpose by a majority vote decide otherwise; and the order thus made shall be held to be prima facie evidence that all the provisions of laws have been complied with in giving notice of and holding said election and counting and returning the votes, and declaring the results thereof.

Sec. 38. The order of said Court declaring the result and prohibiting the sale of liquor shall be published by the posting of said order at three (3) public places within the county or the political subdivision in which the election was held, which fact shall be entered by the County Judge on the minutes of the Commissioners' Court. An entry thus made or a copy thereof certified under the hand and seal of the Clerk of the Court shall be prima facie evidence of such posting.

Sec. 39. If a majority voting at such election vote "For the sale of liquor," the Court shall make an order declaring the results and have the same entered of record in the office of the Clerk of said Court, whereupon it shall be lawful in such

political subdivision to manufacture, sell and distribute liquor in accordance with the terms of this Act until such time as the qualified voters therein may thereafter, at a legal election held for that purpose by a majority vote, decide otherwise, and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the votes and declaring the results thereof. It shall be the duty of the County Clerk, within three (3) days after the results of any such election have been declared to certify such results to the Secretary of State at Austin.

Sec. 40. The Commissioners' Court upon its own motion may, or upon petition as herein provided shall, as provided in Section 32, order local option elections for the purpose of determining whether liquor of the various types and alcoholic contents herein provided shall be legalized or prohibited.

In areas where the issue or issues to be submitted pertain to the legalization of the sale of liquor, one or more of the following issues may be submitted:

(a) "For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of four per cent (4%) by weight," and "Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of four per cent (4%) by weight."

(b) "For legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of fourteen per cent (14%) by volume," and "Against legalizing the sale of vinous and malt liquors that do not contain alcohol in excess of fourteen per cent (14%) by volume."

(c) "For legalizing the sale of all liquors," and "Against legalizing the sale of all liquors."

In areas where the issue or issues to be submitted pertain to the prohibition of the sale of liquor of any type or types, one or more of the following issues may be submitted:

(a) "For prohibiting the sale of all liquors, except vinous and malt liquors that do not contain alcohol in excess of four per cent (4%) by weight," and "Against prohibiting the sale of all liquors, except vinous and malt liquors that do not contain

alcohol in excess of four per cent (4%) by weight."

(b) For prohibiting the sale of all liquors, except vinous and malt liquors that do not contain alcohol in excess of fourteen per cent (14%) by volume," and "Against prohibiting the sale of all liquors, except vinous and malt liquors that do not contain alcohol in excess of fourteen per cent (14%) by volume."

(c) "For prohibiting the sale of all liquors" and "Against prohibiting the sale of all liquors."

Sec. 41. Any person, whether as agent, employee or principal, who shall violate any provision of Article I of this Act except a provision for which a specific penalty is provided shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the County Jail for not more than one year or by both such fine and imprisonment. In case any provision of Article I of this Act is violated by a corporation or by the executive officer of a corporation it shall be the duty of the Attorney General to institute appropriate proceedings to forfeit the charter of such corporation and on proof of such violation by such officer of such corporation the charter of such corporation shall be forfeited by appropriate order of the court hearing such proceedings.

Sec. 42. Any room, house, building, boat, vehicle, structure, or place where intoxicating liquor is manufactured, sold, kept, or bartered in violation of the laws of this State, and all intoxicating liquor and property kept and used in maintaining the same is hereby declared to be a common nuisance, and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail for not more than one year, or both. If a person has knowledge or reason to believe that his room, house, building, boat, vehicle, structure, or place is occupied or used for the manufacture or sale of liquor contrary to the provisions of the laws of this State, and suffers the same to be so occupied or used, such room, house,

building, boat, vehicle, structure, or place shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of such nuisance for such violation and any such lien may be enforced by action in any Court having jurisdiction.

Sec. 43. If a person shall have in his possession within this State any distilled liquors not contained in a container to which is affixed a stamp or other valid evidence showing the payment of the tax on such liquor due to the State of Texas, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), or be confined in the county jail not more than six months or both.

Sec. 44. When any peace officer charged with the duty of enforcing the criminal laws of this State, shall discover any person in the act of transporting in violation of the law any liquor in any wagon, buggy, automobile, water or air craft or other vehicle, it shall be his duty to seize any and all such liquor found therein transported contrary to law. Whenever any liquor transported or possessed illegally shall be seized by an officer, he shall take possession of the vehicle and team or automobile, boat, air craft, water craft, or any other conveyance and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested and all principals, accomplices and accessories to such unlawful act under the provisions of law in any Court having competent jurisdiction; but said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties in sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day of trial to abide judgment of the Court. The Court upon the conviction of the person so arrested shall order the liquor disposed of as provided in Section 30 of this Article, and unless good cause to the contrary is shown by the owner, shall order the sale by public auction of the property seized, and the officer making the sale, after deducting the expenses of keeping

the property, the fee for the seizure, and the costs of the sale, shall pay all liens, according to priorities, which are established, and by intervention or otherwise at said hearing or in other proceedings brought for said purpose, as being bona fide and as having been created without the lien or having any notice that the carrying vehicle was being used or was to be used for illegal transportation of liquor and shall pay the balance of the proceeds into the Treasury of the State to the credit of the General Revenue Fund. All liens against property sold under this Section shall be transferred from the property to the proceeds of its sale. If, however, no one shall be found claiming the team, vehicle, water or air craft, or automobile, the taking of the same, with a description thereof, shall be advertised in some newspaper published in the city or county where taken, or if there be no newspaper published in such city or county, any newspaper having circulation in the county, once a week for two weeks and by hand bills posted in three public places near the place of seizure, and if no claimant shall appear within ten days after the publication of the advertisement, the property shall be sold and the proceeds after deducting the expenses and costs shall be paid into the Treasury of the State for the benefit of the General Revenue Fund.

All intoxicating liquors knowingly transported in this State upon which any lawful tax due to the State has not been paid, for the purpose of this Section shall be deemed to be transported contrary to law.

Sec. 45. (a) It shall be the duty of the State Treasurer and Board of Control to have engraved or printed the stamps necessary to comply with Section 21 of this Article and to sell same to all persons upon demand and payment therefor. The State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design and denomination as the Board shall from time to time prescribe and shall show the amount of tax, the payment of which is evidenced thereby, and shall contain the words "Texas State Tax Paid."

(b) The sum of Five Thousand Dollars (\$5,000.00) or so much

thereof as may be necessary is hereby appropriated out of the General Fund with which to pay the costs of providing such stamps; provided that should such sum prove inadequate, it may be supplemented by funds herein appropriated to the Board. The Board is further authorized to expend all necessary funds from time to time to keep on hand an ample supply of such stamps. All contracts for stamps required by this Article shall be let by the Board of Control in the manner required by law.

(c) Any additional expense incurred by the State Comptroller or the State Treasurer for supplies or additional employees to perform the duties imposed by Articles I and II of this Act shall be compensated by the Board out of funds herein appropriated to it.

Sec. 46. Receipts from the sale of stamps, and receipts derived from the sale of permits provided for under Article I of this Act shall be deposited in the State Treasury as follows (unless otherwise specifically provided by law): One-fourth ( $\frac{1}{4}$ ) to the credit of the Available School Fund, and three-fourths ( $\frac{3}{4}$ ) to the credit of the Texas Old-Age Assistance Fund.

Sec. 47. For the purpose of enabling the Board to immediately begin the performance of its duties, there is hereby appropriated out of any money in the General Revenue Fund of the State, not otherwise appropriated, the sum of Twenty-Five Thousand Dollars (\$25,000.00), and said sum shall be immediately available. It is hereby declared to be the legislative intent that no further appropriation shall be made to the Board but that the expenses of operation shall be paid out of the funds collected from fees and taxes imposed by this Act. The Board shall pay back to the General Revenue Fund all the money herein appropriated, out of the first available revenue realized by the provision of this Act. When the moneys herein appropriated have been returned to the General Revenue Fund, the Board is hereby authorized to set up a revolving fund in the sum of Fifty Thousand Dollars (\$50,000.00) to be taken out of revenues derived under the provisions of this Act. Said sum shall be used by said Board for the payment of salaries and

other expenses necessary in performing its duties, and the same is hereby appropriated.

Sec. 48. The Board is hereby authorized to cause to be printed immediately ten thousand (10,000) copies of this Act in pamphlet form for distribution, and as many additional copies as may be required. It shall cause the same to be distributed to all District and County Attorneys in this State, to the several District Judges of the State, to the County Judges of the various counties, and to such other officers and persons in this State as it may deem necessary. The expense of printing such copies shall be paid out of the fees and taxes herein levied and assessed.

Sec. 49. Chapter 7 of Title 11, Penal Code of Texas of 1925, and all amendments thereto are hereby expressly repealed. Title 80, Revised Civil Statutes, 1925, and all amendments thereto are hereby expressly repealed.

#### Article II.

(Manufacture, sale and distribution of beer authorized; local option; "beer" defined)

Sec. 1. (a) The manufacture, sale and distribution of beer containing one-half ( $1/2$ ) of one per cent (1%) or more of alcohol by volume and no more than four per centum (4%) of alcohol by weight is hereby authorized within the State of Texas.

Unless otherwise herein specifically provided by the terms of this Act, the manufacture, sale and distribution of beer, as hereinafter defined, shall be governed exclusively by the provisions of Article II of this Act. Chapter 116, Acts of the Regular Session, Forty-third Legislature, and all amendments thereto, are hereby repealed.

(b) It shall continue to be unlawful to manufacture, sell, barter or exchange in any county, Justice's Precinct or incorporated city or town any malt liquor containing in excess of one-half ( $1/2$ ) of one per cent (1%) alcohol by volume except in counties, Justice's Precincts or incorporated cities or towns wherein the voters thereof had not adopted prohibition by local option elections held under the laws of the State of Texas and in force at the time of taking effect of Section 20, Article 16 of the Constitution of Texas in

1919; except that in counties, Justice's Precincts or incorporated cities or towns wherein a majority of the voters have voted to legalize the sale of beer in accordance with the local option provisions of Chapter 116, Acts of the Regular Session of the Forty-Third Legislature, beer may continue to be sold lawfully. It is expressly provided, however, that local option elections may be held in any county, Justice's Precinct or incorporated city or town within this State in accordance with the provisions of Sections 32 to 40 inclusive of Article I of this Act, for the purpose of determining from time to time whether the sale of beer shall be prohibited or legalized within the prescribed limits; and it shall be unlawful to sell beer in any county, Justice's Precinct or incorporated city or town wherein the same shall be prohibited by local option election, and lawful to sell beer under the provisions hereof in any county, Justice's Precinct, or incorporated city or town wherein the sale of beer shall be legalized by local option election.

(c) The word "beer" as hereinafter used in this Act and for the purposes of this Article, shall mean any malt beverage containing one-half ( $1/2$ ) of one per cent (1%) or more of alcohol by volume and not more than four per centum (4%) of alcohol by weight.

(Containers)

Sec. 2. (a) Beer can be manufactured, sold and distributed in barrels, kegs, bottles and other containers.

(b) As a standard of measure, the word "barrel" shall mean a container containing thirty-one (31) standard gallons.

(Definitions; general distributor's license)

Sec. 3. (a) A "manufacturer" is hereby defined to be any person licensed to manufacture or brew beer and to distribute and to sell same to others in the original package or container.

(b) A "general distributor" is hereby defined to be any person licensed to distribute or to sell beer to local distributors, retail dealers and/or others in the original package or container.

(c) A "local distributor" is hereby defined to be any person licensed to sell and distribute beer

to retail dealers and ultimate customers in the county of his residence in unbroken packages not to be consumed on the premises where sold.

(d) A "retail dealer" is hereby defined to be any person licensed to sell beer in bottles and from kegs, barrels or other containers to the ultimate customer.

(e) A "general distributor" shall procure the primary license in the county of his domicile or residence, and if he desires to establish any place of business in any other county, he shall present his license secured from the county of his residence to the Assessor and Collector of Taxes of such County, together with a license fee of Fifty Dollars (\$50.00) and it shall be the duty forthwith of such Assessor and Collector of Taxes to issue a license for such general distributor in such county.

(f) A distributor, local or general, may maintain necessary warehouses, for storage purposes only, from which delivery may be made without such warehouses being licensed.

(g) "Person" shall include any corporation, partnership, association and person or group of persons. (License.)

Sec. 4. It shall be unlawful for any person to manufacture or brew for the purpose of sale or to sell or distribute any beer without first having applied for and secured a license as required by this Article.

(License fees and regulations.)

Sec. 5. Before any license required by this Article shall be issued, the license fee required therefor shall be paid to the Assessor and Collector of Taxes of the County where such license is issued for the use and benefit of the General Fund of the State of Texas. Annual fees required for license authorized by this Article be as follows:

(a) For a license authorizing the manufacture and sale by a manufacturer .....	\$500.00
(b) For a general distributor .....	200.00
(c) For a local distributor .....	50.00
(d) For a license authorizing the sale of beer by retail dealer for consumption on or off the premises where sold .....	25.00
(e) For a license authorizing the sale of beer by retail dealer in the original container direct to the consumer,	

but not for resale, and not to be consumed on the premises where sold .....

10.00

(f) Any license issued under the terms of this Article authorizing the manufacture, distribution and sale of beer shall terminate one year from the date issued, and no license shall be issued for a longer term than one (1) year. Any such license may be renewed by written application of the licensee filed with the Assessor and Collector of Taxes of the County of the licensee's residence, not more than thirty (30) days prior to the date of expiration of any license held by him. Such application shall be in writing, signed by the applicant and contain full and complete information as set out and required in the original application upon which such original license was issued, accompanied by a fee of Two Dollars (\$2.00), which said sum of Two Dollars (\$2.00) shall be in addition to the amounts in this Article required to be paid for annual license, as a renewal fee charge. Such sums so paid as renewal fee charges shall be deposited in the County Treasury by the respective Assessors and Collectors of Taxes as fees of office and be so accounted for by them respectively. Upon the presentation of such application for renewal of license, together with the sums required by this Article for an annual license, plus the said renewal fee of Two Dollars (\$2.00), it shall be the duty of the Assessor and Collector of Taxes to forthwith issue such renewal license upon the form to be prescribed by the Texas Liquor Control Board; provided, however, that no applicant for a license under the terms of this Article shall be required to pay at any one time more than the annual fees required for licenses hereunder and the renewal fee of Two Dollars (\$2.00) herein provided; but such applicant shall always be required to pay such fees in advance.

(g) No manufacturer, general distributor, local distributor or retail dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business, nor shall any such license be voluntarily assigned more than once, but before any assignee of such license can engage in business thereunder, he or they shall comply with the provisions of this Article governing the manufacture, sale and distribution of beer



as required of original licensee, and provided further that the sale of such license, whether in the name of the original licensee or assignee, may be made under execution of mortgage, and the holder of such license under execution or foreclosure shall have the right to surrender such license to the State or County which issued the tax receipt, which is the basis thereof, and shall receive therefor the pro rata unearned portion of such license, and appropriation of such funds as may be required for such refunds is hereby authorized, provided that should such original licensee or his assignee desire to change the place designated in said license he may do so by applying to the County Judge as in the case of the original application for license as herein provided. No licensee shall obtain any refund upon the surrender or non-use of any license for the manufacture, sale or distribution of beer.

(h) The Commissioners Court of each County in this State shall have the power to levy and collect from every person that may be licensed hereunder in said County a license fee equal to one-half ( $\frac{1}{2}$ ) of the State fee; and the city or town wherein the licensee is domiciled shall have the power to levy and collect a license fee not to exceed one-half ( $\frac{1}{2}$ ) of the State fee, but no other fee or tax shall be levied by either. But nothing herein contained shall be construed as preventing the levying, assessing and collecting general ad valorem taxes on the property of the said persons, individuals, partnerships or corporations so licensed.

(i) There is hereby provided a "Temporary License" authorizing the sale by a retail dealer of beer for consumption on or off the premises where sold. The fee for such "Temporary License" shall be Five Dollars (\$5.00). Such licenses shall be issued by the Assessor and Collector of Taxes upon application approved by the County Judge, but no such permit shall be issued to any person who does not also hold a license as provided in sub-section (d) of this Section, and no such permit shall authorize the sale of beer at any point outside the county where same is issued. Any such temporary license shall expire at the end of the fourth day after the date the same is issued. Fees collected upon the issuance of such temporary

licenses shall be retained by the County and no other fees shall be charged for such licenses; and no refund shall be allowed upon the surrender or non-use of any such license. The County Judge shall issue such licenses only for the sale of beer at picnics, celebrations, or similar events, and may refuse to issue such license if in his judgment the issuance of the license would in any manner be detrimental to the public.

(j) Every license issued prior to the effective date hereof to any manufacturer, general distributor, local distributor or retail dealer, shall remain in force until midnight of December 31st, 1935, unless surrendered in the manner herein provided; provided, however, that the power and authority heretofore granted to the State Comptroller for the enforcement of Chapter 116, and the duties imposed upon him are hereby transferred to and imposed upon the Texas Liquor Control Board; and provided that the schedule of license fees provided in sub-sections (d) and (e) of this Section 5 shall not be effective until January 1, 1936.

(Beer tax; stamps)

Sec. 6. (a) There is hereby levied and assessed a tax at the rate of One Dollar and Twenty-four Cents (\$1.24) per barrel on all beer sold, stored or distributed in this State or imported into this State. On imported beer the duty of paying said tax and affixing and cancelling the tax stamp as required under this Article shall rest primarily on the importer, and it is hereby declared to be unlawful to import beer into this State unless said tax has first been paid and the tax stamp evidencing such payment has been first affixed and cancelled as required by this Article.

It is the intention of this Section to impose upon all persons importing beer into this State the duty of paying said tax and affixing said stamp as required by this Article before said beer is imported into the State. Provided, however, if it should be determined that this sub-section imposes an undue burden on interstate commerce and for that reason is invalid, then, it is hereby declared to be the legislative intent, nevertheless, to levy and collect the

tax at the rate herein prescribed upon all beer sold, stored or distributed in this State, or imported into this State, and the duty of paying this tax shall rest upon the first person receiving, selling, storing or distributing said beer in this State; provided, further, however, that the tax herein prescribed shall be paid but one time.

No manufacturer, however, shall be required to affix any stamps on any container of beer to be transported out of this State while same is stored in any brewery where same is brewed.

It shall be unlawful to transport to destinations in this State any beer upon which said tax has not been paid.

(b) Said tax shall be paid and evidenced by placing stamps as hereafter provided in the denomination required on each original barrel, keg, box, carton or other container in which beer in bulk or in bottles is packed; provided, however, that such container shall not contain more than the content of one (1) barrel of beer; and provided further that at the time such stamp is affixed, the person affixing the same shall by indelible ink or stamp cancel said revenue stamp by placing the date and his or its full name or initials on said revenue stamp.

(c) Provided further that if at the time said beer is received in this State, said stamps, as required by this Article have already been affixed and/or dated and initialed, the person receiving the same shall be relieved therefrom, but he shall not be relieved from dating or initialing the same if no initial or date appears on said stamp upon receipt of said beer.

(d) Said stamp shall be placed on each barrel, keg, carton, box, or other container upon which the stamp is required to be affixed in such way that such container cannot be conveniently and practically opened without mutilating or defacing said stamp. Every person opening any such container upon which a stamp has been placed shall at the time mutilate or otherwise deface such stamp so that the same cannot be used again.

(e) No bottled beer shall be stored in this State unless the same be in a container, unless the same is

exposed for sale or is being cooled for sale, except when the same is legally in the possession of the ultimate consumer, nor shall any beer be stored or sold in this State except to the ultimate consumer, unless the same is packaged or contained in a container properly stamped.

(f) If any person has paid the tax on any containers of beer and affixed stamps thereon, and thereafter said beer is shipped out of Texas for consumption, a claim for refund may be made on paying a fee of Five Dollars (\$5.00) to the Texas Liquor Control Board at the time and in the manner prescribed by such Board. So much of any funds derived hereunder as may be necessary not to exceed two per centum (2%) thereof is hereby appropriated for such purpose. The Board may promulgate rules and regulations generally for the enforcement of this Article.

(g) There shall be levied and collected by the Board on all beer placed in warehouses or stored in this State an inspection fee at the rate of Fifty Cents (50¢) per barrel: Provided that any manufacturer of this State who shall have during the current year paid for a manufacturer's license under this Act shall be exempt from payment of the inspection fee: Provided, however, that this inspection tax shall not be levied upon beer manufactured in a state that does not levy a similar tax upon beer manufactured in Texas and sold in such state.

(Tax to be paid and stamps affixed at source)

Sec. 7. It is the purpose and intent of this Article to require the tax to be paid and the stamp evidencing the same to be affixed on the first sale, distribution, storage or transportation and at the source, to the end that it will preclude any person evading the payment of this tax, and so as to relieve as nearly as possible the consumer and retail dealer from having to affix said stamps.

(Printing or engraving stamps; appropriation)

Sec. 8. (a) It shall be the duty of the State Treasurer to have engraved or printed the stamps necessary to comply with this Article and to sell same to all persons upon demand and payment therefor, and one-fourth (1/4) of the proceeds of

such sale shall be placed to the credit of the State Available School Fund and three-fourth ( $3/4$ ) to the Texas Old-Age Assistance Fund, and the State Treasurer shall be responsible for the custody and sale of such stamps and for the proceeds of such sales under his official bond. Such stamps shall be of such design and denomination as the Board shall from time to time prescribe and shall show the amount of tax, the payment of which is evidenced thereby, and shall contain the words "Texas State Tax Paid."

(b) The sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary, is hereby appropriated out of the General Fund with which to pay the costs of providing such stamps provided, that should such sum prove inadequate it may be supplemented by funds herein appropriated to the Board. The Board is further authorized to expend all necessary funds from time to time to keep on hand an ample supply of such stamps. All contracts for stamps required by this Article shall be let by the Board of Control in the manner required by law. All appropriations of monies authorized by the Forty-Fourth Legislature, Regular Session, 1935, for enforcement of the provisions of Chapter 116, Acts Regular Session, Forty-Third Legislature, by the Comptroller of Public Accounts, are hereby transferred and made available for expenditure by the Texas Liquor Control Board in the enforcement of this Article.

Sec. 9. (1) It shall be unlawful for any manufacturer or distributor directly or indirectly or through a subsidiary or affiliate, any agent or any employee, or by any officer, director, or firm member:

(a) Ownership of Interest or Real Estate: To own any interest in the business of any retail dealer in beer, or own any interest of any kind in the premises in which any such retail dealer conducts his or its business.

(b) Retail Licenses: To hold (after the expiration of any existing licenses) the ownership or any interest in any license to sell brewery products for consumption on the premises covered by such license, except the license of manufacturers to

dispense their own products on the brewery premises.

(c) Loans and Guarantees: To furnish, give or lend any money or other thing of value, except signs, or to extend unusual credit terms, to any person engaged in selling brewery products for consumption on the premises where sold, or to any person for the use, benefit or relief of said person engaged in selling as above or to guarantee the repayment of any loan or the fulfillment of any financial obligation of any person engaged in selling as above. The extension of credit for longer period of time than is generally extended to regular customers of a manufacturer or distributor covering the purchase of brewery products from such manufacturer or distributor shall be deemed unusual credit terms.

(d) Consignment Sales: To make or enter into any agreement or contract, the effect of which will amount to the shipment or delivery of brewery products on consignment. "Consignment," as here used, means the delivery of products under an arrangement whereby the person receiving such products has the right at any time prior to sale to relinquish possession to or return them to the shipper, and whereby the title to such products remains in the shipper.

(e) Equipment and Fixtures: To furnish, give, rent, lend or sell any equipment, fixtures or supplies to any person engaged in selling brewery products for consumption on the premises where sold. This subsection does not apply to such equipment, fixtures or supplies furnished, given, loaned, rented or sold prior to the effective date of this Act, except that such transactions made prior to this date are not to be used as a consideration for an agreement thereafter made respecting the purchase of brewery products; provided, that equipment, fixtures or supplies furnished, given, rented, loaned or sold to any person engaged in selling brewery products for consumption on the premises where sold, prior to the effective date of this Act, when removed from the premises of such person or repossessed by any manufacturer or distributor of brewery products, or by his agents or employees, shall not again be furnished, given, rented, loaned or sold

to any person engaged in the sale of brewery products for consumption on the premises where sold.

This sub-section shall not apply to the practice of furnishing carbonic acid gas or tapping accessories, such as rods, vents, hose, washers, couplings, taps, vent tongues, and check valves to persons engaged in selling brewery products for consumption on the premises where sold, when a charge is made for such carbonic acid gas in accordance with the reasonable open market value thereof in the locality where furnished, and if the aggregate cost to any one person of all tapping accessories herein enumerated furnished to him by such manufacturer or distributor in any twelve months' period does not exceed five dollars for each tapping unit used in dispensing brewery products purchased from such manufacturer or distributor.

(f) Allowances and Rebates for Advertising and Distribution Service: To pay or make any allowance to any buyer for a special advertising or distribution service (1) Unless in pursuance of a written contract defining the service to be rendered and the payment therefor; and (2) Unless such service is rendered and the payment is reasonable and not excessive in amount; and (3) Unless such contract is separate and distinct from any sales contract; and (4) Unless such payment is equally available for the same service to all competitive buyers in the same class in the same trade area.

(g) Prizes and Premiums: To offer any prize, premium, gift, or other similar inducement, except advertising novelties of nominal value, to any dealer in or consumer of brewery products.

(h) Advertising: To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertisement or any other printed or graphic matter, any advertisement of any brewery product, if such advertisement causes, or is reasonably calculated to cause deception of the consumer with respect to the product advertised. An advertisement shall be deemed misleading if it is untrue in any particular or if directly or by ambiguity, omission, or inference, it tends to create a misleading impression. Any

advertisement of alcoholic content of any brewery product or any advertisement disparaging of a competitor's products, or that is obscene or indecent, shall be unlawful.

(i) Misbranding: To sell or otherwise introduce into commerce any brewery product that is misbranded. A product is misbranded:

(1) Food and Drug Act Requirement—If it is misbranded within the meaning of the Food and Drug Acts.

(2) Standards of Fill—If the container is so made, formed or filled as to mislead the purchaser, or if its contents fall below the recognized standards of fill.

(3) Standards of Quality—If it misrepresents the standards of quality of product in the branded container.

(4) Labels—If it is so labeled that it purports to be any product other than is actually in the container.

(j) Exclusive Outlet: To require, by agreement or otherwise, that any retailer engaged in the sale of brewery products shall purchase any such products from such person to the exclusion, in whole or in part, of the products sold or offered for sale by any other person engaged in the manufacture or distribution of brewery products, or to require the retailer to take and dispose of a certain quota of any such product.

(k) Commercial Bribery: To give or permit to be given money or anything of value in an effort to induce agents, employees, or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase brewery products from the maker of such gift, or to influence such employers or principals to refrain from dealing or contracting with competitors.

(l) Returnable Container: It shall be unlawful for any manufacturer to accept as a return or to purchase or use a hogshead, barrel, half-barrel, keg, case or bottle permanently branded or imprinted with the name of another manufacturer.

(m) Labeling: To manufacture or sell or otherwise introduce into commerce in this State any brewery product unless it bears a label showing in plain, legible type the name and address of the manufacturer, or the name of the distributor for whom any special brand is manufactured, the brand or trade name, and the

net content of the bottle in terms of United States liquid measure; or to manufacture or sell or otherwise introduce into commerce in this state any beer or container or dispensing equipment, carton or case for beer bearing a label or imprint which by wording, lettering, numbering or illustration, or in any other manner carries any reference or illusion, or suggestion to the alcoholic strength of the product or to any manufacturing process, ageing, analysis or scientific matter or fact, or upon which appears any such words or combination of words, or abbreviations thereof, as "strong," "full strength," "extra strength," "high test," "high proof," "pre-war strength," "full old time alcoholic strength," or any words or figures or other marks or characters alluding or relating to "proof," "balling" or "extract" contents of the product, or which bears a label that is untrue in any particular or which directly or by ambiguity, omission or inference tends to create a misleading impression or causes, or is reasonably calculated to cause, deception of the consumer or buyer with respect to the product.

(2) It shall be unlawful for any retail dealer to dispense any draft beer unless each faucet or other dispensing apparatus is equipped with a sign clearly indicating the name or the brand of the particular product being at the time dispensed through each faucet or other apparatus, which sign shall be in legible lettering and in full sight of the purchaser.

(3) Provided, that if any provisions of this Section 9 if for any reason held unconstitutional and invalid, such decision shall not affect the validity of the remaining portions, and the Legislature hereby declares that it would have passed this Section, and each sub-section, provision, sentence, clause or phrase thereof, irrespective of the fact that any provision is declared unconstitutional.

#### (Procedure to obtain license)

Sec. 10. (a) Any person desiring a license as manufacturer, distributor or retail dealer may in vacation or in term time file a petition with the County Judge of the county in which the applicant desires to engage in such business, which petition shall state as follows:

If a manufacturer:

(1) That he is a law abiding, tax-paying citizen of this State, over twenty-one years (21) of age; that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition, and has been a resident of the county wherein such license is sought for more than two (2) years next preceding the filing of said petition.

(2) If a co-partnership, that all of the individuals have the same qualifications as provided in paragraph (1) above.

(3) If a corporation, that applicant is organized and chartered under and has complied with all corporation laws of this State applicable to such corporation; the principal place of business in such county where such license is sought, and the President or manager shall make an affidavit that he is a law-abiding, tax-paying citizen of this State, over twenty-one (21) years of age, and that he has not been convicted of a felony within two (2) years immediately preceding the filing of said petition.

If a distributor:

(1) Such applicant shall give the same information required of a manufacturer, including the place or places where such business is to be transacted.

If a retail dealer:

(1) The same information required of a manufacturer.

(2) Whether he desires to sell beer for consumption on or off the premises.

If an individual:

(1) That the applicant shall make an affidavit duly signed and sworn to before any person authorized to administer oaths under the laws of this State, showing that he has not since the effective date of this Act, naming the date in the affidavit, and within two (2) years next preceding the making of said application and while engaged in the manufacture, sale or distribution of beer, paid, contributed or furnished any money or thing of value to any candidate for any public office in this State.

If the application is in behalf of a corporation, the affidavit shall be by the President, vice-president, secretary or treasurer of such corporation and shall contain a statement that the corporation has not paid,

contributed or furnished any money or thing of value to any candidate for any public office in this State since the effective date of this Act, naming the date in the affidavit, and within two (2) years next preceding the making of said application and while engaged in the business of manufacturing, sale or distribution of beer. Any person who makes a false affidavit in reference to the matters and things required by this Section, shall be guilty of a felony, and upon conviction shall be punished as now provided by law for having committed the offense of false swearing.

(b) Such manufacturer, distributor, or retail dealer desiring to be licensed shall file said petition with the County Judge who shall set same for a hearing at a date not less than five (5) nor more than ten (10) days from the filing of same, and if upon hearing, he finds the facts stated in such petition are true, he shall authorize a license to be granted as prayed for, provided, however, that upon the filing of such petition, the clerk shall first give notice thereof by posting at the courthouse door a written notice of the filing of said petition and a copy of the substance thereof, and such notice shall state when the petition shall be heard. Said petition may be inspected by any person. Any citizen shall be permitted to contest the facts stated in said petition and the applicant's right to secure license upon giving security for all costs which may be incurred in such suit, should the same be decided in favor of the applicant; provided, however, no county or district attorney shall be required to give bond for such costs, but the county or State as the case may be shall be liable therefor.

(c) Upon the court's authorizing a license to be issued, the Judge shall so certify and deliver a copy of such certification to the applicant, who shall thereupon present the same to the Assessor and Collector of Taxes and pay the fee required, whereupon it shall be the duty of the Assessor and Collector of Taxes to issue such a license on a form prescribed by the Texas Liquor Control Board showing the amount paid, date, classification and such other information that may be required by the Board, including the correct ad-

dress of the place of business. A copy of such license shall be sent by the Assessor and Collector of Taxes forthwith to the office of the Texas Liquor Control Board and a record thereof kept in said office.

(d) In the event the County Judge denies the application for a license, he shall enter his judgment accordingly and the applicant may within thirty (30) days thereafter appeal to the District Court of the County where said application is made, and such District Court may hear and determine such appeal in term time or vacation by trial de novo. If the applicant shall prevail by final judgment, a certified copy thereof shall be presented to the Assessor and Collector of Taxes, who shall thereupon accept the fees required and license shall be issued as provided herein.

(e) Any manufacturer, distributor or person shipping or consigning beer into this State shall file with the Secretary of State a certificate certifying the name of his agent upon whom service may be had, his or its street address and business, and if such shall not have been done within fifteen (15) days from the effective date hereof then service may be had on the Secretary of State in any cause of action arising out of the violation of this Article governing the manufacture, distribution and sale of beer, and it shall be the duty of the Secretary of State to send any such citation served on him to such person who may be in a foreign state, registered, return receipt requested and such receipt will be prima facie evidence of service on such person.

(Form of license; statement by Assessor and Collector of Taxes)

Sec. 11. (a) Upon the payment of the fee to the Assessor and Collector of Taxes and the proper evidence from the County Judge that such applicant should be licensed, such Assessor and Collector shall issue to the applicant the proper license which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, date when it will expire, by whom and where such business is to be conducted, and shall describe the place where same is to be kept and whether licensee is authorized to act as manufacturer, general distributor, local distributor, or retail

dealer of beer as set out in the application.

(b) The Assessor and Collector of Taxes shall make statements to the Texas Liquor Control Board of the amounts collected by him at the times and in the manner as required by the Board.

(Penalty)

Sec. 12. (a) If any person manufactures or sells beer in this State as a manufacturer, distributor or retail dealer without then and there being licensed as a manufacturer, distributor or retail dealer respectively, or

(b) If any person or agent or representative of any manufacturer, distributor or retail dealer shall manufacture or sell beer for any manufacturer, distributor or retail dealer without such manufacturer, distributor, or retail dealer being duly licensed as required by law, or,

(c) If any person shall sell, transport, store or otherwise handle in intrastate commerce, or conspire to sell, transport, store or otherwise handle in intrastate commerce any beer without the stamp required in Section 6 of this Article being placed on the container as required in such Section, or

(d) If any person shall open any such container having a stamp without then and there mutilating or otherwise defacing such stamp so that it cannot be again used, or

(e) If any person shall attach to any container of beer any stamp that has been theretofore attached to a different container of beer, or

(f) Shall refuse to allow on demand the Texas Liquor Control Board or any representative of said Board to make a full inspection of any place where beer is being stored, transported, manufactured or otherwise handled, or

(g) If any person shall knowingly or willingly sell any beer to any person under the age of twenty-one (21) years, or

(h) If any person fails to display any license required by the provisions of this Article in some conspicuous place in the house where such business is conducted, or

(i) If any person shall sell or offer for sale in this State, whether as principal or agent, any beer unless the same be in or from the original container bearing the original label with the full name of the

brewer or manufacturer of such beer, or the name and address of any distributor for whom a special brand is manufactured, both upon the label or bottle and/or upon the cap or cork of such bottle or upon the keg, or

(j) If any person shall employ any person under the age of eighteen (18) years to sell, handle or dispense, or to assist in the selling, handling or dispensing of beer in any establishment where beer is sold by retail to be consumed on the premises where sold, or

(k) If any person shall violate any provision of this Article whether specifically enumerated above or not,

(l) He shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in the sum of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail not more than one year or by both such fine and imprisonment, except when some other penalty is specifically provided by this Article, in which event the penalty specifically provided shall apply to the specific act or omission.

(Records; penalty; other regulations)

Sec. 13. (a) Each manufacturer and distributor shall be required to keep records of the amount of beer manufactured and/or bought or received by them and the amount sold, the amount of stamps purchased by him and the amount of stamps used by him and such other records as may be required to be kept by the Texas Liquor Control Board which records at all times shall be open for the inspection of the Board or its duly authorized representatives at reasonable office hours.

(b) If any person shall commit any offense prescribed by Section 13 or violate any other provision of this Article, he shall also forfeit to the State a penalty not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) to be recovered by the State in a suit filed in Travis County or in any county in which such violation may have occurred, which money shall be paid into the State Available School Fund, and each day of such violation shall

constitute a separate and distinct violation.

(c) Each sale to any person under twenty-one (21) years of age under the provisions of this Article shall constitute a separate offense.

(d) It shall be unlawful for any person in all counties or subdivisions thereof wherein the sale of beer as defined by this Article is authorized to be sold, to sell beer on the day of any general primary election or general election held in this State, between the hours of seven o'clock A. M. and eight o'clock P. M. of the day, and

(e) It shall be unlawful for any person engaged in or having any interest in any business which manufactures, sells or distributes beer, as defined in this Article, to contribute any money or any other thing of value toward the campaign expenses of any candidate for any office in this State.

(f) No person who may engage in the sale of beer, as a principal business and which is to be consumed on the premises, under the provisions of this Article shall offer for sale or sell such beer between the hours of twelve o'clock midnight and seven o'clock A. M. on each day as herein provided, and from and after twelve o'clock midnight Saturday until seven o'clock A. M. Monday of the following week.

(g) The Commissioners Court of any county in the territory thereof outside of incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of beer by any dealer whose principal business is the sale of beer where the place of business of any such dealer is within three hundred (300) feet of any church, school or other educational institution, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they cross.

(h) The County Judge of any county after ten (10) days notice and hearing may revoke the licenses of such county;

1. When disorderly or immoral practices are permitted on the premises, or spiritous, vinous or malt liquors are illegally sold on the premises.

2. Where the word "saloon" is printed, painted or placed upon the door, window or in any other public place on or about the premises, or when the word "saloon" is used in any advertisement by the licensee. (Counterfeiting stamps)

Sec. 14. Any person, other than the State Treasurer or his duly authorized agent who shall print or engrave or directly aid in or cause the printing or engraving of any stamp or stamps evidencing or purporting to evidence the payment of any tax levied by this Act governing the manufacture, distribution and sale of beer, or who shall use or consent to the use of any counterfeit or unauthorized stamps in connection with the sale or offering for sale of any beer, or shall place or cause to be placed on any container containing or to contain such beer any such unauthorized or counterfeit stamps, or if any person shall knowingly possess any counterfeit stamps or shall counterfeit any license to be used in lieu of the stamps or license required by this Article governing the manufacture, distribution and sale of beer, he shall be guilty of a felony and upon conviction be punished by imprisonment in the penitentiary for not less than two (2) years nor more than five (5) years.

(Penalty for unlawfully permitting opening or consuming beer on premises where sold)

Sec. 15. Any person, whether as principal or agent of any firm, corporation or association of persons engaged in the business of manufacturing and selling or in the business of distributing and selling or in the retail business of selling beer under license which does not permit such beer to be opened and consumed on the premises where sold, who shall permit any such beer so manufactured and sold or distributed and sold to be opened and consumed on the premises where sold, shall be guilty of a misdemeanor and upon conviction, be punished by a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

(Forfeiture of license)

Sec. 16. In addition to the penalties herein provided, the license of any person convicted of violating any of the provisions of this Article governing the manufacture, sale and



distribution of beer shall be subject to forfeiture in a suit filed by the State for such purpose by reason of such conviction; and no license shall be re-issued to any person whose license for any of such occupations has been revoked or forfeited within one (1) year next preceding the filing of his application for a new license.

(Effect of forfeiture of license)

Sec. 17. In case the license of any licensee hereunder is forfeited under the provisions of this Article, nevertheless such licensee shall be authorized to sell or dispose of in bulk any stock of beer he may have on hand at the time such license is forfeited.

(Transportation of beer)

Sec. 18. It is hereby declared to be lawful to transport beer, as herein defined, from any place in this State, where the sale, manufacture and distribution of said beer is authorized by law, to any other place within this State where the same may be lawfully manufactured, sold or distributed; and from the State boundary to any such place, even though in the course of such transportation the route over which the same is being transported may traverse local option territory in which the manufacture, sale and distribution of said beer is prohibited. Provided, however, that any such shipments must be accompanied by a written statement furnished and signed by the shipper showing the name and address of the consignor and the consignee, the origin and destination of such shipment and it shall be the duty of the person in charge of such cargo while it is being so transported to exhibit such written statement to any peace officer making demand therefor, and said statement shall be accepted by such officer as prima facie evidence of the lawful right to transport such beer.

(Refunding fee for unexpired term)

Sec. 19. In all cases where any person pursuing the occupation of selling beer containing not more than four per centum (4%) of alcohol by weight under licenses issued in accordance with the laws of this State has been or shall hereafter be prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county or subdivision thereof,

the proportionate amount of license fees paid by him for the unexpired term shall be refunded to him.

(Obstructing view of interior of places of business)

Sec. 20. No "blinds" or barriers of any kind or character shall be installed or maintained in the openings or doors of any establishment whose principal business is the sale of beer; neither shall any windows on said establishments be painted in such a way as to obstruct the views from the general public.

Sec. 21. Upon having called to his attention by affidavit of any credible person that any person is violating, or is about to violate, any of the provisions of this Article governing the manufacture, distribution and sale of beer, it shall be the duty of the Attorney General or the District or County Attorney to assist in any proceedings to restrain any such person from the threatened or any further violation, and the District Judge shall have authority to issue restraining orders without hearing, and upon notice and hearing to grant injunction, to prevent such threatened or further violation by the person complained against, and may require the person complaining to file a bond in such amount and containing such conditions and in such cases as the Judge may deem necessary. Upon any judgment of the Court that violation of any restraining order or injunction issued hereunder has occurred, such judgment shall operate to cancel, without further proceedings, any license held by the person who is defendant in the proceedings, and no license shall be re-issued to any person whose license has been so cancelled, revoked or forfeited, within one (1) year next preceding the filing of his application for a new license. It shall be the duty of the District Clerk to notify the Assessor and Collector of Taxes and the Texas Liquor Control Board of any judgment of a Court which may operate hereunder to cancel a license.

Sec. 21a. It shall be unlawful for any person paid a salary or per diem or receiving any compensation out of the appropriation made or taxes collected under the terms of this Act to engage in or take part in any political campaign. By engaging in a political campaign or taking part in a political campaign is meant

and shall include distributing circulars, handbills, posting pictures, handing out cards, making speeches or soliciting support for or opposing the election of any candidate for any public office. Any such employee engaging in such inhibited and unlawful conduct shall be subject to removal from his position and restraint from re-employment in such department for a period of one (1) year by a judgment in the district court of the county wherein such unlawful activity occurred, either in whole or in part. Any ten (10) or more qualified resident voters of such county shall have authority to institute a suit in a district court of such county praying for the removal of such employee from such department, citing such employee and any member of the Board and, upon final hearing, the allegations of the petition being sustained, the judgment shall be to discharge the employee and to restrain the department from re-employing such employee for a period of one (1) year from the date of the judgment.

In like manner, any member of the Board who shall violate this section or who shall solicit, ask or suggest to any employee, either directly or through any other person, that such employee violate such section, then and in that event such Board member may be removed by quo warranto proceedings in the district court upon the relation of any ten (10) qualified voters of the county in which such violation occurred. The writing of a letter into any county wherein such letter violates or suggests, asks or solicits a violation of this law shall constitute sufficient grounds for removal in any county through which such letter passed or into which such letter passed.

Sec. 22. If any part, section, subsection, paragraph, sentence, clause, phrase or word contained in either Articles I or II of this Act shall be held by the Courts to be unconstitutional, such holding shall not affect the validity of the remaining portions of the Act and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 23. The fact that the people of Texas have adopted a Constitutional Amendment legalizing the sale

of liquor in wet areas as herein defined and the further fact that the traffic in liquor in this State is unregulated at this time, create an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Small moved the adoption of the conference committee report on H. B. No. 77.

#### Previous Question Ordered.

Senator Van Zandt moved that the Senate order the previous question on the motion to adopt the conference committee report on H. B. No. 77.

The motion was duly seconded.

The motion prevailed by the following vote:

#### Yeas—14.

Blackert.	Nelson.
Burns.	Face.
Davis.	Poage.
Hill.	Redditt.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Neal.	Woodruff.

#### Nays—11.

Beck.	Regan.
Collie.	Sanderford.
Cotten.	Shivers.
Hopkins.	Small.
Moore.	Sulak.
Rawlings.	

#### Present—Not Voting.

Oneal.

#### Absent.

Martin. Stone.

#### Absent—Excused.

DeBerry. Holbrook.  
Fellbaum.

The conference committee report on H. B. No. 77 was adopted by the following vote:

#### Yeas—23.

Beck.	Collie.
Blackert.	Cotten.
Burns.	Davis.

DeBerry.	Redditt.
Hill.	Sanderford.
Hornsby.	Shivers.
Isbell.	Small.
Neal.	Stone.
Nelson.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.
Poage.	

**Nays—6.**

Holbrook.	Rawlings.
Hopkins.	Regan.
Moore.	Sulak.

**(Pair Recorded.)**

Senator Martin (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

**Reasons for Vote on H. B. No. 77.**

My reason for voting for H. B. No. 77 is because I have nothing better to vote for and I am unwilling to leave this State without any character of liquor regulation.

I think it is an outrage that the provisions of the Senate bill which prohibits women from being employed in saloons and beer joints was omitted from this bill. I hope this can be remedied later. I dedicate my efforts to that end.

**COTTEN.**

I changed my vote on the conference report on H. B. No. 77 from "no" to "aye" because of the needed revenue it will add to the Old Age Assistance Fund and not because I favor the type of regulation prescribed in H. B. No. 77. If I had not changed my vote the bill would not have gone into effect for 90 days and that much revenue would have been lost.

**SHIVERS.**

I voted against H. B. No. 77, liquor bill, because it did not permit the licensing of liquor by the drink. Where a liquor law, as this does, provides that beer and wine can be sold by the drink, a person with ordinary understanding of the human race knows hard liquors will be sold in all of the large cities, as well as in the liberal sections of the State. If the law had recognized this fact, several thousand saloons in this State could have been taxed \$1,000.00 for a license each. In other words, a million dollars or

more revenue could have been raised from something we all know will exist.

I changed my vote, when I was beaten, and thereby permitted by my vote the immediate effect of the law instead of 90 days hence.

WESTERFELD.

**Bills and Resolutions Signed.**

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 88.	S. B. No. 23.
H. B. No. 97.	S. B. No. 27.
H. B. No. 99.	S. B. No. 28.
H. B. No. 106.	S. B. No. 30.
H. B. No. 107.	S. B. No. 31.
H. B. No. 108.	S. B. No. 19.
H. B. No. 109.	S. C. R. No. 25.
H. B. No. 111.	S. C. R. No. 19.
H. B. No. 115.	H. C. R. No. 8.
H. B. No. 126.	H. C. R. No. 10.
H. B. No. 66.	H. C. R. No. 11.
H. B. No. 110.	H. C. R. No. 15.
H. B. No. 122.	H. C. R. No. 25.
H. B. No. 124.	H. C. R. No. 26.
H. B. No. 130.	H. C. R. No. 21.
S. B. No. 8.	H. C. R. No. 28.
S. B. No. 18.	

**Senate Bill No. 15.**

The Chair appointed as new conferees on the part of the Senate on S. B. No. 15 the following:

Senators Poage, Moore, Regan, Shivers, and Neal.

**Messages from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 18, Requesting the Library and Historical Commission of Texas to lend to the Central Centennial Exposition certain historical documents, et cetera.

H. C. R. No. 30, Authorizing the Enrolling Clerk of the Senate to

make certain corrections in the conference report on S. B. No. 5.

The House has adopted the conference committee report on S. B. No. 5 by a vote of 101 yeas, 39 nays.

The House has, by a viva voce vote, adopted the report of the conferees on S. B. No. 15, which requested the discharge of the committee and the appointment of a new conference committee to consider further the differences between the two Houses. The following new conferees are appointed on the part of the House:

Messrs Roark, Dunagan, Luker, Cooper, and Alsup.

The House has adopted the conference committee report on H. B. No. 116 by a vote of 111 yeas, 29 nays.

The House has concurred in Senate amendments to H. B. No. 127 by a vote of 109 yeas and 10 nays.

The House has passed the following resolution:

H. C. R. No. 31, Authorizing the Enrolling Clerk of the Senate to make certain corrections in the conference report on S. B. No. 5.

The House has adopted the following resolution:

H. C. R. No. 33, Authorizing the Enrolling Clerk of the Senate to make certain corrections in the conference report on S. B. No. 5.

The House has adopted the conference committee report on H. B. No. 77 by a vote of 105 yeas and 40 nays.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 30.

The Chair laid before the Senate the following resolution:

H. C. R. No. 30, Authorizing the Enrolling Clerk of the Senate to make certain corrections in the conference report on S. B. No. 5.

Senator Davis moved to suspend the rule requiring resolutions to be referred to a committee.

The motion prevailed by viva voce vote.

H. C. R. No. 30 was adopted by viva voce vote.

#### H. C. R. No. 31.

The Chair laid before the Senate the following resolution:

H. C. R. No. 31, Authorizing the

Enrolling Clerk of the Senate to make certain corrections in the conference report on S. B. No. 5.

Senator Shivers moved to suspend the rule requiring resolutions to be referred to a committee.

The motion prevailed by viva voce vote.

H. C. R. No. 31 was adopted by viva voce vote.

#### H. C. R. No. 33.

The Chair laid before the Senate the following resolution:

H. C. R. No. 33, Authorizing the Enrolling Clerk of the Senate to make certain corrections in the Conference Committee report on S. B. No. 5.

Senator Davis moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed by viva voce vote.

H. C. R. No. 33 was adopted by viva voce vote.

#### Conference Committee Report on H. B. No. 116.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives,  
Hon. Walter F. Woodul, President of  
the Senate.

Sirs: We your Conference Committee, appointed to adjust the differences between the two Houses on H. B. No. 116,

Have had the same under consideration and beg to recommend that the Bill pass in the form attached hereto.

BECK,  
NELSON,  
MOORE,  
VAN ZANDT,  
BURNS,

On the Part of the Senate.

McKINNEY,  
WALTER E. JONES  
of Atascosa,  
DAVIS,  
HYDER,  
KING,

On the Part of the House.

#### A BILL

To Be Entitled

An Act making certain emergency and supplemental appropriations out of the General Fund of the

State of Texas for the Prison System, and for the State Tuberculosis Sanatorium, and for the Agricultural Experiment Station, A. & M. College, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations for the fiscal years ending August 31, 1936, and August 31, 1937, respectively; and appropriating One Thousand (\$1000.00) Dollars for the purpose of moving the Board of Pardons and Paroles from Austin to offices adjacent to the central unit of the Texas Prison System at Huntsville, Walker County, Texas, and providing that said appropriation may be supplemented from the general maintenance funds of the Texas Prison System in the event said One Thousand (\$1000.00) Dollars is insufficient for the purpose for which it is ap-

propriated; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money be and the same are hereby appropriated out of any funds in the State Treasury not otherwise appropriated to cover emergency and supplemental appropriations for the Texas Prison System for the remainder of the fiscal year ending August 31, 1936, and for the fiscal year ending August 31, 1937. Said appropriations for the remainder of the fiscal year ending August 31, 1936, shall be available immediately and all appropriations herein made shall be for the emergencies stated herein and shall be in addition to and supplemental to the appropriations which have heretofore been made to the Texas Prison System:

	For the years ending	
	August 31, 1936	August 31, 1937.
Assistant Farm Managers ----- \$	2,300.00	\$ 2,760.00
Farm Stewards -----	2,625.00	3,150.00
Dog Sergeants -----	1,375.00	1,650.00
Secretary to the Prison Board -----	600.00	600.00
Veterinary Surgeon -----	56.65	68.00
Building Superintendent -----	1,200.00	1,200.00
Superintendent of Automobile License Plate Plant -----	1,500.00	1,500.00
Night guard for Lower Prison Yard -----	240.00	240.00
Inspector and Searcher for Bull Ring -----	240.00	240.00
Secretary to Warden -----	240.00	240.00
Additional salary for Assistant General Manager of Texas Prison System -----	600.00	600.00

Provided that the Texas Prison System in the expenditure of the several amounts hereinabove appropriated shall be governed and limited in the amount paid to each employee for which appropriations are herein made as by the provisions of such appropriations to the Texas Prison System as set out at Pages 1125 to 1129 inclusive, of Chapter 364, Acts of the Regular Session of the Forty-fourth Legislature, 1935, which was the General Appropriation Bill for the support and maintenance of the Department of the State Government for the fiscal years ending August 31, 1936, and August 31, 1937, and that such Texas Prison System shall also be governed by the general provisions of said Chapter 364, Acts of the Regular Session of

the Forty-fourth Legislature, 1935, appearing at Pages 1151 to 1160 inclusive, in so far as the same are applicable. The amounts herein appropriated for the Superintendent of the Automobile License Plate Plant and the Secretary to the Prison Board are appropriated for the purpose of paying the entire salaries of such superintendent and secretary, and the amounts appropriated for the Veterinary Surgeon, Night Guard for Lower Prison Yard, Inspector and Searcher for Bull Ring, and Secretary to Warden are for the purpose of supplementing the salary heretofore appropriated for such Veterinary Surgeon, Night Guard for Lower Prison Yard, Inspector and Searcher for Bull Ring and Secretary to Warden. The amounts here-

in appropriated as additional salary for the Assistant General Manager of the Texas Prison System are for the purpose of supplementing the salary heretofore appropriated for such Assistant General Manager.

Sec. 1a. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of One Thousand (\$1000.00) Dollars or so much thereof as may be necessary, for the purpose of moving the Board of Pardons and Paroles from Austin to the offices in and adjacent to the central unit of the Texas Prison System at Huntsville, Walker County, Texas, as provided by Acts of 1935, Forty-fourth Legislature, Chapter 348, page 831, and in the event this appropriation is insufficient, it may be supplemented from the general maintenance funds of the Texas Prison System.

Sec. 2. There is hereby appropriated out of any moneys in the General Revenue Fund not otherwise appropriated the sum of Three Thousand (\$3,000.00) Dollars for the Texas Agricultural Experiment Station, A. & M. College, for research work in, and extermination of Garlic Smut in this State.

Sec. 3. The sum of Ten Thousand Dollars (\$10,000.00), or so much thereof as is necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to the State Tuberculosis Sanatorium, Sanatorium, Texas, for the purpose of erecting and equipping a building for physicians at said Sanatorium. The contract for said building shall be let and all equipment purchased by the State Board of Control in accordance with the provisions of the general laws of Texas relating to contracts and purchases for State Eleemosynary Institutions.

Sec. 4. The fact that the appropriations for the above items in the General Appropriation Bill for the support and maintenance of the Texas Prison System for the fiscal years ending August 31, 1936, and August 31, 1937, are insufficient and inadequate to provide for the efficient operation of said Texas Prison System and the further fact that said General Appropriation Bill for the Texas Prison System did not contain appropriations for salaries for the Superintendent of the Automobile

License Plate Plant and the Secretary to the Prison Board; and the further fact that the laws of the State of Texas provide that the Board of Pardons and Paroles shall be moved to the offices in and adjacent to the central unit of the Texas Prison System, at Huntsville, Walker County, Texas, and that there was no appropriation made for the payment of the expense of moving; and the further fact that the capacity for patients at the State Tuberculosis Sanatorium has been increased during the past several years and a further increase in the patient capacity is provided by current appropriations and the fact that no adequate building has ever been provided for the physicians; and the further fact that there is no appropriation at this time for the extermination and research work of Garlic Smut in this State, and the urgent need for such appropriations creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Beck moved the adoption of the Conference Committee report on H. B. No. 116.

Senator Sanderford moved as a substitute that the conference committee report be rejected and that the committee be instructed to report the bill back with the \$1,000.00 for moving the Pardon Board to Huntsville stricken from it.

Motion pending.

Senator Hornsby was recognized to speak on the motion.

Senator Nelson was recognized to speak.

#### Motion to Table.

Senator Burns moved to table the motion by Senator Sanderford.

Motion pending.

Senator Sanderford was recognized and yielded his time to Senator Woodruff to discuss the motion.

The motion to table prevailed by the following vote:

Yeas—13.

Beck.	Davis.
Blackert.	Martin.
Burns.	Moore.

Nelson. Shivers.  
Oneal. Stone.  
Pace. Van Zandt.  
Redditt.

Nays—7.

Collie. Poage.  
Hopkins. Sanderford.  
Hornsby. Woodruff.  
Neal.

Present—Not Voting.

Westerfeld.

Absent.

Cotten. Sulak.  
Hill.

Absent—Excused.

DeBerry. Rawlings.  
Fellbaum. Regan.  
Holbrook. Small.  
Isbell.

The Conference Committee report on H. B. No. 116 was adopted by the following vote:

Yeas—17.

Beck. Pace.  
Blackert. Poage.  
Burns. Redditt.  
Collie. Sanderford.  
Davis. Shivers.  
Hill. Stone.  
Moore. Sulak.  
Nelson. Van Zandt.  
Oneal.

Nays—4.

Hopkins. Neal.  
Hornsby. Woodruff.

Present—Not Voting.

Westerfeld.

Absent.

Cotten.

Absent—Excused.

DeBerry. Martin.  
Fellbaum. Rawlings.  
Holbrook. Regan.  
Isbell. Small.

Senate Bill No. 15.

Senator Poage sent up the following Conference Committee Report:

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of  
the Senate,

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sirs: We, your committee appointed to adjust the differences in S. B. No. 15,

Have had the same under consideration, and beg leave to report same back with recommendation that said S. B. No. 15 do pass in the form attached hereto.

DUNAGAN,  
ALSUP,  
COOPER,

On the part of the House.

POAGE,  
REGAN,  
MOORE,  
SHIVERS.  
NEAL,

On the part of the Senate.

A BILL

To Be Entitled

An Act defining certain terms; providing for licensing of operators and chauffeurs; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making provision for non-resident drivers; providing what persons shall be licensed; providing for application for operator's and chauffeur's licenses; providing for signing of application of minors; providing for qualification of applicants; providing for designation of local officers; providing for registering of operators and chauffeurs; providing for the issuance of duplicate licenses and badges; providing for the signing of licenses; providing for time of expiration of licenses; providing for fees and disposition of same; providing for the transfer of all balances now in the State Treasury which were collected under Article 6687, Revised Civil Statutes, 1925, to the Operator's and Chauffeur's License Fund; making an appropriation of all funds coming into said Operator's and Chauffeur's License Fund; providing the purposes for which said funds may be expended, and the manner in which payments may be made; providing for forms for accident statistics and reports; providing a penalty for failure to make such reports; providing for

the suspension or revocation of licenses; making it unlawful for certain persons to act as chauffeurs or operators and to drive school buses; providing for courts to report record of convictions; providing for mandatory suspension or revocation of licenses and fixing the period of same; providing for hearing for persons denied the right to drive a motor vehicle; providing for surrender and return of license or badge; making it unlawful to commit certain acts with reference to securing and/or using licenses or to violate certain provisions; providing a penalty for violation of the Act; imposing a fine and jail sentence for driving while suspended; repealing all laws and parts of laws in conflict herewith, and particularly Article 6687, Revised Civil Statutes, 1925; providing a saving clause, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definitions: The following words and phrases when used in this Act shall for the purpose of this Act have the meanings respectively ascribed to them in this section except in those instances where the context indicate a different meaning:

(a) "Vehicle": Every self-propelled device upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively on stationary rails or tracks.

(b) "Motor Vehicles": Every vehicle as herein defined, which is self-propelled.

(c) "Farm Tractor": Every motor vehicle designed and used primarily as a farm implement for drawing plows, sowing machines and other implements of husbandry.

(d) "Implements of Husbandry": The words "implements of husbandry" shall mean farm implements, machinery and tools as used in tilling the soil, namely: cultivators, farm tractors, reapers, binders, tractors, combines, or mowing machinery, but shall not include any automobile or truck.

(e) "Person": Every natural person, firm co-partnership, association, corporation, or person, jointly and severally, who are members of any

firm, co-partnership, association or corporation, or persons.

(f) "Operator": Every person, other than a chauffeur who is in actual physical control of a motor vehicle upon a highway.

(g) "Chauffeur": Every person is employed for the principal purpose of operating a motor vehicle; and every person who drives a motor vehicle while in use for hire.

(h) "Non-resident": Every person who is not a resident of this State.

(i) "Highway": Any road, street, way, thoroughfare or bridge in this State, not privately owned or controlled, for the use of vehicles over which the State has legislative jurisdiction under its police power.

(j) "Department": The Department of Public Safety of the State of Texas acting directly or through its duly authorized officers or agents.

Sec. 2. Operators and Chauffeurs Must be Licensed:

On and after April 1, 1936, no person except those expressly exempt under this Act shall drive any motor vehicle upon a highway in this State unless such person upon application has been licensed as an operator or chauffeur by the department under the provisions of this Act.

Sec. 3. What Persons are Exempt from License:

(a) No person shall be required to obtain an operator's or chauffeur's license for the purpose of driving or operating a road roller, road machinery or any farm tractor, implement of husbandry, farm wagon, farm trailer or any non-motor propelled vehicle or carriage temporarily drawn, moved or propelled on the highway.

(b) Every person in the service of the United States and when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this Act.

(c) Drivers of commercial motor vehicles operating under the jurisdiction of the Railroad Commission of Texas who are required to have a driver's license issued by that department, shall not be required to secure a chauffeur's or operator's license under the terms of this Act for the operation of such vehicles, but such persons shall be amenable to the other provisions of this law incident to the cancellation of chauffeurs' or operators' licenses.

(d) A non-resident over the age of



sixteen (16) years who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators or chauffeurs in his home state or county and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home state or county shall be permitted without examination or license under this Act to drive a motor vehicle upon the highways of this State.

(e) A non-resident over the age of sixteen (16) years whose home state and county does not require the licensing of operators may operate a motor vehicle as an operator only, when temporarily in this State for a period of time not exceeding ninety (90) days, and the Department through its agents, on request of such non-resident shall issue without charge courtesy, non-resident driver's license for such period of time as such non-resident may request, not exceeding ninety (90) days. The Department shall make suitable forms and prescribe reasonable regulations for the issuance of such non-resident licenses.

(f) Any non-resident or other person whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this State during the period of such revocation. Any person operating a motor vehicle in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 22 of this Act.

#### Sec. 4. What Persons Shall Not be Licensed:

(a) An operator's license shall not be issued to any person under the age of fourteen (14) years and no chauffeur's license shall be issued to any person under the age of eighteen (18) years; provided, that the county judge of the county wherein such person resides, after investigation may authorize the Department to issue a special permit or license to any such person when in his opinion the person so applying is qualified and conditions exist which make it necessary for such person to drive or operate a motor vehicle upon a highway.

(b) Neither an operator's or chauffeur's license shall be issued to any

person whose license, either as operator or chauffeur, has been suspended during the period for which such license was suspended; nor to any person whose license, either as operator or chauffeur, has been revoked under provision of this Act until the expiration of such revocation as provided in Section 18.

(c) Neither an operator's or chauffeur's license shall be issued to any person who is an habitual drunkard or is addicted to the use of narcotic drugs.

(d) Neither an operator's or chauffeur's license shall be knowingly issued to any applicant who has previously, by a court of competent jurisdiction, been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not at the time of such application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent.

(e) Neither an operator's or chauffeur's license shall be issued to any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle.

#### Sec. 5. Application for Operator's or Chauffeur's License:

(a) Every application for an operator's or chauffeur's license shall be made upon approved form furnished by the Department and shall be verified by a person authorized to administer oaths, and no fee shall be charged by any officer of this State, or any county thereof, for such certification.

(b) Every application shall state the name, age, sex, residence address and such other physical description as may be required of the applicant, and whether or not the applicant has heretofore been licensed as an operator or chauffeur.

and if so when and by what State, and whether or not such license has ever been suspended or revoked, and if so, the date of and reason for such suspension or revocation.

**Sec. 6. Application of Minors:**

The Department shall not grant the application of any minor under the age of eighteen (18) years for an operator's license unless such application is signed by the father of the applicant, if the father is living and has the custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen (18) years has no father, mother or guardian, the operator's license shall not be issued to the minor unless his application therefor is signed by his employer, or by the county judge of his residence.

**Sec. 7. Designation of Local Officers:**

(a) In all counties of the State of Texas having a population of 75,000 or less, as may be determined by the last preceding Federal Census, the assessor and collector of taxes is hereby designated as an agent of the Department, with authority to issue any and all licenses and renewals thereof and to qualify applicants as required hereunder. In counties having a population of 75,000 or over, as determined by the last preceding Federal Census, the Department is hereby authorized to designate or name as an agent the assessor and collector of taxes, sheriffs, chiefs of police, town marshalls, or any highway patrolman, with full authority to conduct inquiries and issue licenses hereunder. In the event a highway patrolman is named as an agent for any county, he shall be required to be at the office of the assessor and collector of taxes of said county at all times during the office hours in order that licenses may be issued thereunder. Where licenses are issued by the assessor and collector of taxes he shall be allowed a fee of five (5) cents for each instruction permit, operator's or chauffeur's license, and each renewal and duplicate thereof so issued by him, which fee shall be an accountable fee of office, and which fee shall be paid monthly by the Department on receipt of statements from such officers; but where

such licenses are issued by any other officers, no fee shall be allowed except as fixed by the Legislature in its biennium appropriation bill. All applications shall be made and licenses issued hereunder in the county where the applicant resides.

**Sec. 8. Register of Operators and Chauffeurs:**

(a) The Department shall issue to every person licensed as an operator an operator's license, and to every person licensed as a chauffeur a chauffeur's license as well as an operator's license. Every chauffeur, before operating a motor vehicle for hire, shall apply for and receive from the Department, and at all times while so operating a motor vehicle for hire shall display in plain sight upon the band of his cap, or under the lapel of his outer coat, a chauffeur's badge. All persons licensed as chauffeurs shall be issued by the Department an operator's license at no additional cost other than fee now provided by law for chauffeur's license.

(b) Every such license shall bear thereon a distinguishing number assigned to the license and shall contain the name, age, residence, address and a brief description of the licensee for the purpose of identification, and also a space for the signature of the licensee.

(c) Every chauffeur's badge shall be of metal with a plainly readable distinguishing number assigned to the licensee stamped thereon.

**Sec. 9. Duplicate License and Chauffeur's Badges:**

In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this Act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that such license or badge has been lost or destroyed, and upon payment of a fee of twenty-five (25) cents for each operator's or chauffeur's license, and a fee of One Dollar (\$1.00) for each chauffeur's badge.

**Sec. 10. License to be Signed:**

(a) Every person licensed as a chauffeur or operator shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of

such certificate, and such license shall not be valid until the certificate is so signed.

(b) It shall be the duty of each licensee at all times when driving a motor vehicle to make proper showing that he has an operator's license by actual display of such license or by satisfactory identification on demand of any peace officer or agent of the Department. It shall be a defense to any charge under this subsection or Subsection (a) of Section 5 that the person so charged produce in court an operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

**Sec. 11. Expiration of Licenses, Fees therefor, and Disposition of Same:**

(a) Every operator's license shall expire within three years from date of issuance, and shall be renewed on or before April 1, 1939, and each three years thereafter, upon presentation of valid license previously issued under this Act.

(b) Every chauffeur's license issued hereunder shall expire one year from date of issuance, and shall be renewed annually upon application and payment of the fees required by law, and upon presentation of a valid chauffeur's license previously issued under this Act.

(c) The Department shall provide and furnish suitable forms and blanks for application, registration and license cards or blanks, and all other forms requisite for the purposes of this Act, and shall prepay all transportation charges on same to its designated agencies.

(d) No fee shall be charged or collected for the original issuance of an operator's license. The annual fee for a chauffeur's license shall be \$3.00.

(e) All fees required by this Act and collected by any officer or agent of the Department shall be remitted without deduction on Monday of each week with duplicate and triplicate copies of all licenses issued, to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the "Operator's and Chauffeur's License Fund" which shall be kept separate by the State Treasurer. Such officers or agencies shall furnish bond to be approved by the Public Safety Director

of the Department, payable to the Governor of the State of Texas in such amount as said Director may require, conditioned upon remittances to the Department of all fees collected. All moneys in the Operator's and Chauffeur's License Fund, or as much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses of administering this Act through the biennium ending August 31, 1937, including the employment of the necessary clerical and administrative help and defraying the necessary expenses incident to any judicial hearing relative to the suspension and/or revocation of licenses, and including the printing and transportation of all necessary forms, licenses and badges hereinbefore provided; and including the payment of the five (5) cent fee required under Section 9 hereof; and including the purchase through bids taken by the Board of Control of all necessary furniture and fixtures; and provided further that no salary shall be paid out of the funds hereby appropriated in excess of the salaries paid for like or similar services under the terms of the general departmental bill; and provided further that all disbursements hereunder shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the Department of Public Safety and approved by one other member of the Commission, and such vouchers shall be accompanied by itemized sworn statement of the expenditures for which they are issued.

(f) At the end of every fiscal year, the Department shall submit a comprehensive and complete report of the receipts and expenses of this Act to the Governor of the State of Texas.

(g) All moneys that have been collected and deposited in the State Treasury to the credit of the Highway Department received on account of the issuance of chauffeur's licenses for the year 1935 shall be transferred by the State Treasurer to the "Operator's and Chauffeur's License Fund" in the State Treasury, said fund being provided in Section 13, subsection (e) hereof, to help defray the initial expense of the administration of this Act.

**Sec. 12. Accident Statistics and Reports:**

(a) The Department shall prepare and shall supply to police and sheriffs' offices and other suitable agencies, forms for accident reports, and such reports shall be made within a reasonable time from the date of such accident by such officers or agencies to the Department at Austin, Texas, sufficiently detailing all the facts with reference to any highway accident, and the persons and vehicles involved.

(b) The Department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents; and the Department shall biennially report to the Governor and the Legislature the abstract of such reports for the preceding biennium, with its conclusions and findings and recommendations for decreasing highway accidents and increasing safety upon the highways of Texas.

(c) Every hospital superintendent and/or ambulance operator shall make a report to the Department with respect to any injury or death to any person found to have been the result of a motor vehicle accident, when the services of such hospital or ambulance operator are utilized.

(d) Any person hereinabove required to make any report who shall knowingly fail to do so on demand of the Department shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 22 of this Act.

Sec. 13. Cancellation of License Because of Mental Incompetence.

It shall be unlawful for any person to act as an operator or chauffeur who is an habitual drunkard or is addicted to the use of narcotic drugs, or who has been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, and any finding by any court of competent jurisdiction that any person holding an operator's license or chauffeur's license is either insane, feeble-minded, an habitual drunkard, an epileptic, an imbecile, idiot, or addicted to the use of narcotics, shall carry with it a revocation

of such operator's and/or chauffeur's license, and it shall be the duty of the clerk of any court in which such findings are made, to certify same to the Department within ten (10) days.

Sec. 14. Age limit of Operators of School buses and Common Carriers.

It shall be unlawful for any person who is under the age of twenty-one (21) years to drive a motor vehicle while in use as a school bus for the transportation of pupils to and from school or for any person who is under the age of eighteen (18) years to drive a motor vehicle while in use for hire as a public common carrier of persons or property.

Sec. 15. When Court to Report Convictions.

The clerk of every court and all justices of the peace having jurisdiction over offenses committed under any law of this State regulating the operation of motor vehicles on the highways shall forward to the Department at Austin, Texas, a record of the conviction of any person in said Court for a violation of any of said laws, within twenty (20) days from the date of such conviction.

Sec. 16. Mandatory Suspension or Revocation of license:

(a) The license of any person shall be automatically suspended or revoked upon final conviction of any of the following offenses:

First: Negligent homicide resulting from the operation of a motor vehicle.

Second: Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug.

Third: Any offense punishable as a felony under the motor vehicle laws of this State.

Fourth: Upon three convictions of violating any of the provisions of Article 801 of the Penal Code of Texas, or Section 10 of Chapter 42 of the General Laws of the Second Called Session of the Forty-first Legislature of Texas, committed within a period of twelve (12) consecutive months.

Fifth: A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of failure to stop, render aid, and disclose his identity at the scene of said accident or collision.

Sixth: Conviction upon two separate charges of aggravated assault upon a person by means of a motor vehicle, as provided by law.

(b) The revocation or suspension

above provided shall in the first instance be for a period of six months. In event any license shall be revoked or suspended under the provision of this Section for a second time, said second revocation or suspension shall be for a period of one additional year.

(c) The revocation or suspension of any license shall be automatically extended upon licensee being convicted of operating a motor vehicle while the license of such person is suspended or revoked; such extended period or revocation or suspension to be for a like period as the original revocation or suspension.

#### Sec. 17. Right of Appeal to Courts.

Any person denied a license by the Department shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the county court at law in the county wherein such person shall reside, or if there be no county court at law therein, then in the county court of said county, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten (10) days written notice to the Department, and thereupon to take testimony and examine into the facts of the case, and to determine whether the petitioner is entitled to the right to drive a motor vehicle on the highways of this State under the provisions of this Act.

#### Sec. 18. Surrender and Return of License and Badge:

Upon suspension or revocation of an operator's or chauffeur's license, the Department shall require that such license be surrendered to and retained by the Department, and the badge of any chauffeur whose license is suspended or revoked shall also be surrendered to the Department, provided at the end of a period of suspension such license and badge be returned to the licensee.

#### Sec. 19. Violation of license Provision:

It shall be unlawful for any person to commit any of the following acts:

First: To display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowingly the same to be fictitious or to have been cancelled, revoked, suspended or altered.

Second: To lend or to knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof.

Third: To display or to represent as one's own any operator's or chauffeur's license not issued to the person so displaying same.

Fourth: To fail or refuse to surrender to the Department on demand any operator's or chauffeur's license which has been suspended, cancelled or revoked as provided by law.

Fifth: To use a false or fictitious name or give a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

#### Sec. 20. Penalty for Violation of Act:

(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other laws of this State declared to be a felony.

(b) In addition to any other penalties hereinbefore provided, and unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this Act shall be punished by a fine of not more than Two Hundred (\$200.00) Dollars.

Sec. 21. Penalty for Driving While License Suspended or Revoked: In addition to any other penalties hereinbefore provided, any person convicted for driving a motor vehicle while his license is suspended or revoked shall be punished by imprisonment in the county jail for a period of not less than two (2) days, or not more than six (6) months, and there may be imposed in addition thereto a fine of not more than Five Hundred (\$500.00) Dollars.

Sec. 22. Repeal of Conflicting Laws. All laws or parts of laws in conflict herewith are hereby expressly repealed, and more particularly Article 6687 of Revised Civil Statutes of Texas.

Sec. 23. Constitutionality: If any part or parts of this Act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 24. Short Title. This Act

may be cited as the Texas Driver's License Law.

Sec. 25. Emergency Clause: The fact that Texas now has no adequate law providing for the licensing of operators and chauffeurs and that such Act must be immediately passed in order that steps may be taken to put it in force and licenses be issued prior to April 1, 1936, create an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills be read on three separate days be suspended and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

On motion of Senator Poage the conference committee report was adopted by the following vote:

**Yeas—17.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Hopkins.	Rawlings.
Hornsby.	Regan.
Isbell.	Small.
Moore.	Stone.
Neal.	Westerfeld.
Nelson.	

**Nays—7.**

Burns.	Sulak.
Cotten.	Van Zandt.
Hill.	Woodruff.
Redditt.	

**Absent.**

Davis.	Sanderford.
Martin.	Shivers.

**Absent—Excused.**

DeBerry.	Holbrook.
Fellbaum.	

**Vote Recorded.**

Senator Hill received unanimous consent to change his note on H. B. No. 88 from "nay" to "yea."

**Executive Session.**

Senator Oneal moved the Senate go into executive session at 4:37 o'clock p. m. to consider Governor's nominations.

The motion prevailed unanimously.

The time having arrived the chamber was cleared and the doors locked.

**After Executive Session.**

At the conclusion of the executive session the Secretary informed the Journal Clerk that the following action had been taken:

**Committee Room,**

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments,

Have had the same under consideration, and I, as Chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To Be Chairman of the State Parks Board (for a 6-year term beginning Oct. 15, 1935).

Wendell W. Mayes, of Brownwood, Brown County.

For Reappointment as Member of the State Parks Board:

Tom L. Beauchamp, of Tyler, Smith County. (6-year term beginning Oct. 15, 1935).

To Be Member of State Board of Medical Examiners:

Dr. W. C. Morrow, of Greenville, Hunt County.

To Be Members of the Board of Managers of the North Texas Junior Agricultural College at Arlington, Texas:

W. P. McLean, Jr., of Fort Worth, Tarrant County;

H. W. Coper, of Arlington, Tarrant County;

H. C. Burk, Jr., of Fort Worth, Tarrant County;

Dr. John Dial, of Oak Cliff, Dallas County.

Mrs. W. D. Ambrose, of Fort Worth, Tarrant County.

ONEAL, Chairman.

Adopted.

**Recess.**

On motion of Senator Pace the Senate at 5 o'clock p. m. recessed until 8:30 o'clock p. m.

**After Recess.**

The Senate met at 8:30 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

**At Ease.**

The Senate stood at ease for 10 minutes on motion of Senator Pace.

**Senate Called to Order.**

The Senate was called to order at 8:40 o'clock p. m.

**President Pro Tem. Ad Interim.**

Senator Martin nominated as President pro tem. ad interim Senator Collie of Eastland.

The nomination was seconded by Senators Van Zandt, Pace, Poage, Stone, Blackert, Hopkins, Moore, Regan, Davis, Oneal, Neal, Cotten, Beck, Sanderford, Hornsby, Woodruff, Nelson, Sulak, Hill, Shivers and Burns.

Senator Van Zandt collected the votes and announced 29 votes for Senator Collie.

The Chair announced that Senator Collie was duly elected.

The Chair appointed Senators Martin, Shivers and Moore to escort the newly elected President pro tem. ad interim to the platform.

**Oath of Office.**

Lieutenant Governor Walter F. Woodul administered the oath of office and presented President Pro Tem. Ad Interim Wilbourne B. Collie and he addressed the Senate.

**Message From the Governor.**

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,  
Austin, Texas, Nov. 14, 1935.

To the Senate of the Forty-fourth Legislature, In Second Called Session:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To Be Members of the Washington State Park Commission:

Ewing Norwood, of Navasota, Grimes County;

Mrs. Tom Buffington, of Anderson, Grimes County;

Mrs. E. P. Anderson, of Brenham, Washington County (reappointment);

Fred Holle, of Brenham, Washington County (reappointment);

Mrs. A. W. Green, of Brenham, Washington County (reappointment).

Respectfully submitted,

JAMES V. ALLRED,  
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

**Message from the House.**

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on S. B. No. 15 by a vote of 83 yeas and 56 nays.

The House has passed the following resolutions:

S. C. R. No. 24, Requesting the educational authorities of the State to arrange programs to present the history of Texas to children in the lower grades.

H. C. R. No. 35, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 127.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Executive Session.**

Senator Oneal moved that the Senate go into executive session at 9:53 o'clock p. m. to consider Governor's nominations.

The motion prevailed.

The chamber was cleared and the doors locked.

**After Executive Session.**

At the conclusion of the executive Session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Senate Chamber,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as Chairman of said commit-

tee, am instructed to report back to the Senate with the recommendation that they be in all things confirmed:

To be Members of the Washington State Park Commission:

Ewing Norwood, of Navasota, Grimes County;

Mrs. Tom Buffington, of Anderson, Grimes County;

Mrs. E. P. Anderson, of Brenham, Washington County (reappointment);

Fred Holle, of Brenham, Washington County (reappointment);

Mrs. A. W. Green, of Brenham, Washington County (reappointment).

ONEAL, Chairman.

Adopted.

#### Senate Resolution No. 28.

Whereas, In the closing hours of this session our beloved colleague, Senator Tom DeBerry of Red River County has been confined to his room on account of illness; and

Whereas, We have missed his genial smile and wise council; now therefore, be it

Resolved, That we extend our sympathy to Senator DeBerry, the loyal friend of the "Splivens boys," and wish for him a speedy recovery.

HOPKINS.

Read.

Senator Burns asked unanimous consent that the names of all the Senators be added.

Unanimous consent was granted.

The following names were added:

BECK,  
BLACKERT,  
BURNS,  
COLLIE,  
COTTEN,  
DAVIS,  
FELLBAUM,  
HILL,  
HOLBROOK,  
HORNSBY,  
ISBELL,  
MARTIN,  
MOORE,  
NEAL,  
NELSON,  
ONEAL,  
PACE,  
POAGE,  
RAWLINGS,  
REDDITT,  
REGAN,

SANDERFORD,  
SHIVERS,  
SMALL,  
STONE,  
SULAK,  
VAN ZANDT,  
WESTERFELD,  
WOODRUFF,

S. R. No. 28 was adopted unanimously.

#### H. C. R. No. 35.

The Chair laid before the Senate the following resolution:

H. C. R. No. 35, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 127.

Senator Hill moved to suspend the rule requiring resolutions to be referred to a committee.

The motion prevailed by viva voce vote.

H. C. R. No. 35 was adopted unanimously.

#### S. C. R. No. 23.

Senator Shivers called up S. C. R. No. 23.

The Chair laid before the Senate on its second reading the following resolution:

S. C. R. No. 23, Putting into immediate effect H. B. No. 26.

#### Motion to Table.

Senator Sanderford moved to table the resolution.

The motion to table the resolution failed by viva voce vote.

S. C. R. No. 23 failed of adoption by the following vote:

#### Yeas—9.

Burns.	Rawlings.
Hill.	Redditt.
Neal.	Shivers.
Pace.	Westerfeld.
Poage.	

#### Nays—12.

Blackert.	Regan.
Collie.	Sanderford.
Davis.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Woodruff.

#### Present—Not Voting.

Beck.	Nelson.
Moore.	



Absent.

Cotten.                      Oneal.  
Isbell.                      Small.

Absent—Excused.

DeBerry.                      Holbrook.  
Fellbaum.

#### S. C. R. No. 28.

Whereas, This session of the Legislature passed an Old Age Pension Law without providing revenues to finance the payment of the Old Age Pension, and

Whereas, The Legislature has been in session for sixty days at a great expense to the tax payers; therefore be it

Resolved, That the Governor of Texas be requested to convene the Legislature in a third called session immediately upon sine die adjournment for the purpose of providing revenues for payment of Old Age Pensions, be it further

Resolved, That the Senate of Texas, House of Representatives concurring, tender their services to the public without remuneration and agree to remain on the job until a revenue bill is enacted, and obligate themselves not to pass a mileage and per diem appropriation bill.

SULAK,  
BURNS,  
WESTERFELD.

Read.

Senator Sulak moved to suspend the rule requiring resolutions be referred to a committee.

The motion prevailed by viva voce vote.

S. C. R. No. 28 was adopted by viva voce vote.

#### Senate Resolution No. 29.

Whereas, The Senate Tax Committee has assembled much valuable data upon all phases of taxation in Texas, and

Whereas, It would be of much value to the Legislature to have this data assembled and tabulated in concise and concrete forms on all phases of our tax system; therefore be it

Resolved, That the Senate authorize the expenditure of \$500.00 or as much thereof as may be necessary, to be paid out of the contingent ex-

pense account of the Second Called Session of the Forty-fourth Legislature in employing a statistician to properly tabulate all tax information assembled by the committee and from other available sources.

SANDERFORD.

Read.

Senator Sanderford moved to suspend the rule requiring resolutions to be referred to a committee.

The motion prevailed by viva voce vote.

S. R. No. 29 was adopted by viva voce vote.

#### Vote Recorded.

Senators Pace and Hornsby asked to be recorded as voting "no" on adoption of S. R. No. 29.

#### Senate Resolution No. 30.

Whereas, There are certain duties to be performed by the employees of the Senate after final adjournment is had; therefore, be it

Resolved by the Senate of Texas, That the following named employees and no other be retained on the payroll of the Senate after the adjournment of the Second Called Session of the Forty-fourth Legislature, at the salary now paid for such services, that said named employees be retained for the number of days specified, each employee so retained to perform such duties as are specified herein and such additional duties as shall be assigned to them by the Secretary of the Senate or as directed by the President of the Senate, viz:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and convening of the next session of the Legislature for which services he shall receive the same per diem he now receives, and in addition thereto, he shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office. He shall be allowed the services of one secretary who shall, in addition to her duties in the office of the Secretary, serve as secretary to the committee appointed by the Lieutenant Governor under S. R. No. 28.

The Secretary to the Lieutenant Governor shall be retained sixty (60)

days, said secretary to assist the Lieutenant-Governor and to receive for such services the sum of Five (\$5.00) dollars per day.

The Notarial Clerk shall be retained for thirty days, Warrant Clerk shall be retained for five days, and one page for Seven days at \$2.50 per day. The Journal Clerk shall be retained for ninety (90) days and one assistant to be designated by the Lieutenant Governor who shall be retained ninety (90) days and the Sergeant-at-Arms fifteen (15) days at \$7.50 per day with three assistants for ten (10) days at \$5.00 per day, and the head porter four days at \$4.00 per day with one porter for 12 days at \$2.50 per day each and three extra porters for four days at a salary of \$2.50 per day each, and said Sergeant-at-Arms shall place the Senate Chamber in order, make an inventory of the furniture and fixtures of said Senate Chamber and private offices of the members, and of the supplies, and close his books.

The Calendar Clerk shall be retained for a period of Eight (8) days at a salary of \$7.50 per day, and one assistant for Four (4) days at \$5.00 per day. The Engrossing and Enrolling Clerk shall be retained Eight (8) days at \$7.50 and two assistants at \$5.00 respectively; and the private secretary of each Senator shall be retained for three days after adjournment to perform such duties as shall be required of them and each of them shall receive for such services \$5.00 per day.

The Postmistress shall be retained for two (2) days at a salary of Five (\$5.00) per day and a P. B. X. operator at a salary of \$5.00 per day for three (3) days.

The Librarian of the Senate shall be retained for Five (5) days at a Salary of \$5.00 per day. The Mailing Clerk shall be retained for five days at a salary of \$5.00 per day with three assistants who shall be retained for four days at a salary of \$5.00 per day, each to perform such services as the Secretary of the Senate shall direct. The chairman of the Committee on Contingent Expense shall have a secretary forty (40) days at a salary of \$5.00 per day and is hereby directed to examine all records and accounts payable out of the contingent expense fund as

shall be necessary properly to approve all claims and accounts against the Senate and no claim or account shall be paid without his (or her) consent and approval thereof.

The Lieutenant Governor shall appoint a custodian and an assistant custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the custodian to receive therefor the sum of One Hundred and Twenty-five (\$125.00) per month and the assistant custodian to receive Seventy-five (\$75.00) per month.

The Lieutenant Governor is hereby authorized to employ a head porter to serve under the direction of the Secretary of the Senate in keeping the Senate Chamber in order during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services said porter shall receive \$90.00 per month. The special porter serving as mail clerk shall be retained for five (5) days at \$3.50 per day to carry the mail under the direction of and perform such additional services as shall be directed by the Secretary of the Senate; be it further

Resolved, That the Secretary of the Senate is hereby authorized to have the Manual recodified, indexed, and printed in sufficient numbers to furnish the officers and members of the Senate with copies thereof, and to the press, said Manual to contain the Senate Rules as herein amended, the Rules of the House of Representatives, the Texas Constitution, the Joint Rules of both Houses, a roster of the membership and officers of both Houses, and the standing committees of both Houses, and to pay the cost thereof out of the contingent expense fund; be it further

Resolved, That the Chairman of the Finance Committee be allowed one clerk for 30 days at a salary not exceeding \$5.00 per day, to compile all appropriations made by the First and Second Called Sessions of the Forty-fourth Legislature, and to compile statement as to revenue bills passed and compile estimates on revenue bills considered by both Houses but not passed; be it further

Resolved, That two hundred and fifty volumes of the Senate Journal of the First and Second Called Ses-

sions, when completed, shall be bound in full law sheep and delivered to the Secretary of State and one volume thus bound shall be forwarded by the Secretary of State to each member of the Senate and the House of Representatives, to the Lieutenant Governor and Secretary of the Senate, and Twenty-five (25) such bound copies shall be delivered to the Secretary of the Senate, and the remainder shall be retained by the Secretary of State. The printing of such Senate Journal in permanent form shall be done in accordance with the provisions of this resolution under the supervision of the Secretary of the Senate with the assistance of the Journal Clerk; provided, further that it shall be the duty of the Secretary of State not to receive nor receipt for said Journals unless and until corrected and published in accordance with the preexisting law and finally approved by the Secretary of the Senate. When the accounts have been certified to by the Board of Control, said accounts shall be paid out of the Contingent Expense Fund for the Second Called Session of the Forty-fourth Legislature; and provided further that the Chairman of the Committee on Contingent Expense shall not issue or approve a voucher for payment of said account until the Journal Clerk shall be satisfied that said Journal has been published and delivered in accordance with the terms and provisions set out hereinbefore.

All salaries and compensation herein provided for shall be paid out of the per diem and Contingent Expense Fund of the ~~Second~~ Called Session of the Forty-Fourth Legislature upon warrants signed by the Lieutenant Governor and Secretary of the Senate. Material and supplies, and expenses of all committees authorized by the Senate shall be paid upon warrants signed by the President of the Senate and Chairman of the Contingent Expense Committee of the Senate.

WOODRUFF.

Adopted.

#### Senate Resolution No. 31.

Whereas, The Hon. Carl C. Hardin, distinguished former Senator from Erath County, is in the gallery of the Senate.

Be It Resolved, That he be invited to address the Senate.

WOODRUFF.

Read and adopted.

The Chair appointed Senators Woodruff, Hornsby and Collie to escort the distinguished guest to the platform.

Lieutenant Governor Walter F. Woodul presented former Senator Carl Hardin who addressed the Senate.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following applications for appointment as Notaries Public in and for their respective counties,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that they be confirmed.

All Notaries Public in and for the thirty-one Senatorial Districts of Texas, terms beginning June 1, 1935, and ending June 1, 1937.

ONEAL, Chairman.

At Ease.

On motion of Senator Van Zandt, the Senate, at 10:05 o'clock p. m., stood at ease subject to the call of the Chair.

#### Bills and Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 5.	S. C. R. No. 18.
S. B. No. 15.	S. C. R. No. 24.
S. B. No. 10.	H. C. R. No. 30.
H. B. No. 116.	H. C. R. No. 31.
H. B. No. 77.	H. C. R. No. 33.
H. B. No. 127.	H. C. R. No. 35.
S. C. R. No. 17.	

#### Notification Committees.

Senator Van Zandt moved that the Chair appoint a committee of three to notify the House and three to notify the Governor that the Senate had concluded its business and was ready to adjourn sine die.

The motion prevailed by viva voce vote.

#### Committees Appointed.

The Chair appointed the following to notify the Governor:

Senators Regan, Davis, and Rawlings.

To notify the House:

Senators Shivers, Collie and Moore.

#### Committees Report.

The committee appointed to notify the Governor appeared at the bar of the Senate and Senator Regan informed the Senate that the committee had performed its duty.

The committee appointed to notify the House appeared at the bar of the Senate and Senator Shivers informed the Senate that the committee had performed its duty.

#### Committee from the House.

A committee of five appeared at the bar of the Senate and Representative Duval informed the Senate that the House had completed its labor and was ready to adjourn.

#### Sine Die Adjournment.

At 12:00 o'clock midnight, the Chair announced that the hour had arrived when by the law of the State the Legislature should adjourn sine die, and he declared the Second Called Session of the Forty-fourth Legislature duly adjourned sine die.

### APPENDIX.

#### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 5 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 15 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 24 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 10 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 18 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 17 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 19 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 30 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, Nov. 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 23

carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 13, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 18 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 19 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 31 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 27 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 25 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 8 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 28 carefully examined and compared and find same correctly enrolled.  
POAGE, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 128, A bill to be entitled "An Act to amend Section 1, Chapter 88, page 172, Acts Second Called Session, Forty-first Legislature, 1929, as amended by Section 1, Chapter 23, page 151, Fifth Called Session, Acts Forty-first Legislature, 1930, by adding Subsection (r), defining 'Implements of Husbandry' as used in said Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.  
HOPKINS, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 127, A bill to be entitled, "An Act amending Section 18 of the Acts of the Forty-fourth Legislature, Chapter 116, Regular Session, relative to the establishment of itinerant beauty shops, providing exceptions and adding Section 18C providing for the amendment of Section 7 of the aforementioned Act, Section 13 thereof, Section 22, Subsection (a) thereof and Section 22, Subsection (c) thereof and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Senate committee substitute bill attached hereto do pass in lieu thereof and be not printed.

SANDERFORD, Chairman.

Committee Room,  
Austin, Texas, Nov. 14, 1935.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: We, your Committee on  
State Affairs, to whom was referred

H. C. R. No. 21, A resolution  
"Granting permission to C. D. Scrog-  
gins and L. S. Scroggins to sue the

State Highway Department of the  
State of Texas."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass, and  
be not printed.

PACE, Chairman.

**BILLS AND RESOLUTIONS ENGROSSED DURING SESSION.**

Senate Chamber, Engrossing Department,  
Austin, Texas, November 21, 1935.

Hon. Dick Stanford, Secretary of State,  
Austin, Texas.

Dear Sir:

I am handing you herewith Senate Bills and Senate Concurrent Resolutions which were passed to Engrossment during the Second Called Session of the Forty-fourth Legislature, which were engrossed and returned to the Secretary of the Senate and sent to the House for final passage:

**Bills.**

- S. B. No. 1. By Sanderford, et al.: An Act creating a fund for old age assistance, etc., and declaring an emergency.
- S. B. No. 5. By DeBerry: An Act relating to the compensation of district, certain designated county and precinct officers, etc., and declaring an emergency.
- S. B. No. 8. By Woodruff: An Act to amend Section 9, S. B. No. 19, First Called Session, Forty-fourth Legislature, etc., and declaring an emergency.
- S. B. No. 10. By Burns: An Act providing for the amount that may be allowed by county boards of trustees, etc., and declaring an emergency.
- S. B. No. 11. By Holbrook, et al.: An Act defining the term "open saloon"; creating a board of liquor control, etc., and declaring an emergency.
- S. B. No. 15. By Poage, Hornsby: An Act defining certain terms; providing for licensing of operators and chauffeurs, etc., and declaring an emergency.
- S. B. No. 18. By Woodruff: An Act amending Chapter 5, Acts of the Second Called Session of the Forty-third Legislature, etc., and declaring an emergency.
- S. B. No. 19. By Nelson: An Act ratifying, confirming and validating all acts of county boards of trustees, etc., and declaring an emergency.
- S. B. No. 21. By Moore: An Act amending Article 2031, R. C. S. of 1925, etc., and declaring an emergency.
- S. B. No. 23. By Nelson: An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, etc., and declaring an emergency.
- S. B. No. 27. By Poage, et al.: An Act making an appropriation out of the General Revenue Funds of the State of Texas for the Brazos River Conservation and Reclamation District, etc., and declaring an emergency.
- S. B. No. 28. By Regan: An Act to amend Chapter 3, Title 42, of the R. C. S. of Texas of 1925, by adding thereto a new article, etc., and declaring an emergency.
- S. B. No. 30. By Regan: An Act authorizing cities having a population of more than 3,500 and not exceeding 4,000 inhabitants, etc., and declaring an emergency.
- S. B. No. 31. By Cotten: An Act applying only to independent school districts in counties having a population of not less than 32,500 and not more than 37,500, etc., and declaring an emergency.

**Resolutions.**

S. C. R. No. 4. By Rawlings.  
 S. C. R. No. 5. By Beck.  
 S. C. R. No. 7. By Davis.  
 S. C. R. No. 11. By Beck, et al.  
 S. C. R. No. 8. By Burns.  
 S. C. R. No. 9. By Burns, et al.  
 S. C. R. No. 16. By Nelson.  
 S. C. R. No. 20. By Woodruff.  
 S. C. R. No. 21. By Cotten.  
 S. C. R. No. 24. By Hornsby.  
 S. C. R. No. 25. By Van Zandt.

Very respectfully,  
 ESSIE MCGINNIS,  
 Engrossing Clerk.

**BILLS AND RESOLUTIONS ENROLLED DURING SESSION.**

Senate Chamber, Enrolling Department,  
 Austin, Texas, November 21, 1935.

Hon. Dick Stanford, Secretary of State,  
 Austin, Texas.

Dear Sir:

I am handing you herewith Senate Bills and Senate Concurrent Resolutions which passed to Enrollment during the Second Called Session, which were enrolled by me and sent to the Governor:

**Bills.**

S. E. No. 5.	By DeBerry	Finally passed
S. B. No. 8.	By Woodruff	Finally passed
S. B. No. 10.	By Burns	Finally passed
S. B. No. 15.	By Poage, et al.	Finally passed
S. B. No. 18.	By Woodruff, et al.	Finally passed
S. B. No. 19.	By Nelson	Finally passed
S. B. No. 21.	By Moore	Finally passed
S. B. No. 23.	By Nelson	Finally passed
S. B. No. 27.	By Poage, et al.	Finally passed
S. B. No. 28.	By Regan	Finally passed
S. B. No. 30.	By Regan	Finally passed
S. B. No. 31.	By Cotten	Finally passed

**Resolutions.**

S. C. R. No. 1.	By Burns	Finally passed
S. C. R. No. 4.	By Rawlings	Finally passed
S. C. R. No. 5.	By Beck	Finally passed
S. C. R. No. 9.	By Shivers, et al.	Finally passed
S. C. R. No. 12.	By Poage	Finally passed
S. C. R. No. 13.	By Burns, et al.	Finally passed
S. C. R. No. 14.	By Davis, et al.	Finally passed
S. C. R. No. 15.	By Davis, et al.	Finally passed
S. C. R. No. 16.	By Nelson	Finally passed
S. C. R. No. 17.	By Burns	Finally passed
S. C. R. No. 18.	By Westerfeld	Finally passed
S. C. R. No. 25.	By Van Zandt	Finally passed
S. C. R. No. 24.	By Hornsby, et al.	Finally passed
S. C. R. No. 19.	By Davis	Finally passed

Very respectfully,

ESSIE MCGINNIS,  
 Enrolling Clerk.



## Report of Sergeant-at-Arms.

Committee, Room,  
Austin, Texas, November 23, 1935.

Mrs. Mary Rugeley, Journal Clerk, Senate,  
First and Second Called Sessions,  
Forty-fourth Legislature of Texas.

Dear Mrs. Rugeley:

I am herewith submitting to you an itemized statement of the expenditures of the Senate for Contingent expenses during the First and Second Called Sessions of the Forty-fourth Legislature. Same to be printed in the Senate Journal.

To Austin Ice Company

Voucher No. 156

For 2,850 lbs. of ice .....	\$	9.69	\$	9.69
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To The Avalanche Journal Publishing Co., Inc.

Voucher No. 111

For newspaper subscription to Lubbock Morning Avalanche for 1 month .....		.65		.65
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To The American Publishing Company

Voucher No. 69

For subscription to the Austin American from 9-16-35 to 10-16-35. (4 copies)

For subscription to the Austin Statesman from 9-16-35 to 10-16-35. (5 copies) .....		6.25		6.25
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Voucher No. 130

For subscription to the Austin American from 10-16-35 to 11-16-35. (4 copies)

For subscription to the Austin Statesman from 10-16-35 to 11-16-35. (5 copies) .....		6.25		6.25
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To The American-Statesman, Dr.

Voucher No. 4

For classified advertising—sealed bids on elevator hatchway .....		4.08		4.08
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To A. C. Baldwin & Sons

Voucher No. 18

For 300 copies of the following bills for the Senate, delivered from Sept. 17 through Sept. 20, 1935, inclusive. S. B. 1-4-5-6-7-8-9-10-11-12-14 .....		157.68		157.68
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Voucher No. 36

For 2600 copies each of the Daily Journals, pages 1 through 1st day through 4th day, Sept. 16 through Sept. 19, inclusive .....		249.57		249.57
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Voucher No. 37

For 2600 copies each of the Daily Journals, pages 54 through 82, 5th day through 9th day, Sept. 20 through Sept. 26, 1935, inclusive .....		140.52		140.52
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Voucher No. 55

For 300 copies each of the following bills, delivered from Sept. 24 through Sept. 25, 1935, inclusive. S. B. 16-17-19-20-22-23 .....		142.76		142.76
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Voucher No. 60

For 300 copies each of the following bills for the Senate, delivered from Sept. 28 through Oct. 5, 1935. S. B. 14-23-24-26-27-28-29-30-34-38; H. B. 18-21 .....		175.52		175.52
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Voucher No. 81		
For 2600 copies each of the Daily Journals, pages 129 through 262, 13th c day through 15th c day, Oct. 4 through Oct. 10, 1935, inclusive .....	524.73	524.73
Voucher No. 82		
For 300 copies each of the following bills for the Senate, delivered from Oct. 7 through Oct. 9, 1935. S. B. 32-35-37-40-43-46-47; H. B. 83 .....	38.68	38.68
Voucher No. 83		
For 2600 copies each of the Daily Journals, pages 83 through 128, 9th c day through 13th day, Sept. 27 through Oct. 3, 1935, inclusive .....	241.91	241.91
Voucher No. 87		
For 2600 copies each of the Daily Journals, pages 263 through 447, 16th day through 17th day, Oct. 10 through Oct. 15, inclusive .....	736.70	736.70
Voucher No. 120		
For 2600 copies each of the Daily Journals, pages 1 through 10, 1st day through 1st c day, Oct. 16 through Oct. 18, 1935, in- clusive .....	47.10	47.10
Voucher No. 122		
For 2600 copies each of the Daily Journals, pages 11 through 51, 2nd day, Oct. 21 through Oct. 24, 1935, inclusive .....	170.44	170.44
Voucher No. 131		
For 300 copies each of the following bills for the Senate, delivered from Oct. 26 through Nov. 2, 1935, inclusive .....	217.18	
For 300 copies of the following bill for the Senate, delivered Oct. 24, 1935. S. B. 5 .....	35.70	252.88
Voucher No. 145		
For 2600 copies each of the Daily Journals, pages 53 through 105, 6th day through 8th day, Oct. 25 through Oct. 31, 1935, in- clusive .....	238.49	238.49
Voucher No. 154		
For 1 M Notary Lists, part of the Permanent Journals .....	1,825.81	1,825.81
Voucher No. 155		
For 300 copies each of the following bills for the Senate, delivered from Nov. 5 through No. 6, 1935. S. B. 17, H. B. 46 .....	104.13	104.13
Voucher No. 165		
For 2600 copies each of the Daily Journal, pages 107 through 246. 8c day through 11th day, Nov. 1 through Nov. 7, 1935, in- clusive .....	611.39	
For 2500 copies each of the Daily Journal, 11 c day through 13 day, pages 248 through 422, Nov. 8 through Nov. 13, 1935, inclusive .....	655.86	1,267.25
To Barrow Typewriter Company		
Voucher No. 2		
For rent on Royal No. 1492266, 7-14-35 to 8-14-35 .....	4.00	4.00
Voucher No. 45		
For rent on Royal No. 1492266, 8-14-35 to 10-14-35 .....	8.00	8.00

Voucher No. 46		
For rent on the following machines for the period from 9-16-35 to 10-16-35 at \$4.00 each:		
LC Smith No.1056290	LC Smith No.1056293	
LC Smith No. 903049	Royal No.1044329	
LC Smith No.1002892	Royal No.1329612	
LC Smith No.1056289	Royal No.1455853	32.00
For rent on L C Smith No. 1057037 for the period from 9-16-35 to 10-16-35		4.00
		36.00
Voucher No. 133		
For rent on the following typewriters, L C Smith's (7), 10-16-35 to 11-16-35, at \$4 each:		
No. 1039228	No. 1002892	No. 903049
No. 1057037	No. 1056289	
No. 1056290	No. 1056293	28.00
Royal's (5), 10-16-35 to 11-16-35, at \$4 each:		
No. 1492266	No. 1455853	
No. 1044329	No. 1361959	
No. 1329612		20.00
Underwood (L) 10-16-35 to 11-16-35		
No. 2277983	10- 3-35 to 10-16-35	5.69
		53.69
To Allye B. Becker		
Voucher No. 49		
For rent of 1 Underwood typewriter, No. 1746722, from Sept. 16 to Oct. 16, 1935, inclusive		
	4.00	4.00
Voucher No. 128		
For rent of 1 Underwood typewriter, No. 1746772, from Oct. 16 to Nov. 16, 1935		
	4.00	4.00
To Mrs. Mabel E. Berry		
Voucher No. 50		
For rent of 1 Underwood typewriter, No. 1795894-5, from Sept. 16 to Oct. 16, 1935		
	4.00	4.00
Voucher No. 129		
For rent of 1 Underwood typewriter, No. 1795894-5, from Oct. 16 to Nov. 16, 1935		
	4.00	4.00
To Bowman-Cravens Furniture Company, Inc.		
Voucher No. 7		
For furniture for the Senate, received Sept. 14, 1933		
	75.00	75.00
To A. W. Brill		
Voucher No. 38		
For porter supplies order No. SEN-659; requisition No. SEN-12		
	7.09	7.09
To T. B. Butler Publishing Co.		
Voucher No. 31		
For subscription to Courier-Times for the period of one month		
	.75	.75
Voucher No. 105		
For subscription to Courier-Times for the period of one month		
	.75	.75
To Calcasieu Lumber Company		
Voucher No. 141		
For one Florentine glass, 10½x50½		
	1.17	1.17
Voucher No. 149		
For 1-pr Florentine glass, 34-3x36		
	2.18	2.18

## To Capital Printing Company, Inc.

## Voucher No. 21

For 2,000 marginal ruled sheets .....	3.28	
For 1,000 supply requisitions blanks .....	2.27	
For 400 Contingent Expense vouchers .....	3.21	
For 2,000 letterheads .....	6.02	
For 3,000 letterheads .....	10.73	25.51

## Voucher No. 68

For 2,000 roll calls .....	10.17	
For 5,000 letterheads .....	16.26	26.43

## Voucher No. 98.

For 1,000 roll calls .....	3.67	
For 5,000 No. 10 and 5,000 No. 6¾ envelopes .....	47.52	
For 5,000 letterheads .....	17.26	
For 1,000 roll calls .....	3.67	
For 2,000 letterheads .....	7.47	78.02

## To W. W. Carter, Jr.

## Voucher No. 88

For 30 reams 8½x14 white laid Hammermill mimeograph .....		
For 10 reams 8½x11 white laid Hammermill mimeograph .....	20.40	
For 10 boxes 9x15½ blue manuscript covers .....	3.65	
For 20 reams 8½x11 CF Superior manifold .....		
For 15 reams 8½x14 CF Superior manifold .....	23.55	47.60

## Voucher No. 121

For 24 sheets 19x24-100 green blotting .....	1.15	
For 100 sheets 19x24-100 white blotting .....	2.85	
For 15 reams 8½x11-20 white airpost bond .....	16.56	
For 20 reams 8½x14-16 white airpost bond .....	22.64	
For 2M 3x5 Palmer plain index cards .....	.89	
For 5 boxes 9x15½ blue manuscript covers .....	1.83	45.92

## Voucher No. 140

For 24 sheets 19x24-100 green blotting .....	1.15	
For 5 M 3x5 plain white index cards .....	2.25	
For 30 reams 8½x14-16 white laid Hammermill mimeograph .....	16.20	
For 50 reams 8½x14-16 white laid Hammermill mimeograph .....	27.00	
For 50 reams 8½x14-16 white laid Hammermill mimeograph .....	27.00	
For 200 No. 92 Brownseal clasp envelopes .....	2.34	
For 200 No. 90 Brownseal clasp envelopes .....	1.83	
For 10 reams 8½x11-16 white laid Hammermill mimeograph .....	4.20	
For 15 reams 8½x11-20 white airpost bond .....	16.50	
For 15 reams 8½x14 Houstex O. S. ....	11.55	
For 50 reams 8½x14-16 white wove Hammermill mimeograph .....	26.50	136.52

## Voucher No. 158

For 20 reams 8½x11-16 Palmer No. 1 Canary writing .....	7.60	
For 20 reams 8½x11-20 white airpost bond .....	22.00	
For 10 reams 8½x14-16 white airpost bond .....	11.30	40.90

## Voucher No. 163

For 50 reams 8½x14-16 white wove Hammermill mimeograph .....	26.50	
For 20 reams 8½x14 white approved manifold .....	8.20	34.70

To Christianson-Leberman Studio		
Voucher No. 93		
For picture of the Senators of the Forty-fourth Legislature—framed .....	150.00	150.00
To Connellys		
Voucher No. 119		
For spray for Mr. Sterling and Mr. Huddleston .....	5.00	5.00
To Coco-Cola Bottling Co.		
Voucher No. 151		
For bottles of distilled water, Oct. 12, 24, Nov. 7 .....	1.80	1.80
To C. A. Dahlich		
Voucher No. 147		
Office furniture for the Senate, Aug. 17, 1935 .....	4.50	4.50
To The Dallas Dispatch		
Voucher No. 117		
For subscription to Dispatch for 1 month .....	.50	.50
To Nelson Davis & Son		
Voucher No. 99		
For porters supplies .....	3.95	3.95
To The Enterprise Co., Dr.		
Voucher No. 30		
For subscription to Journal and Enterprise for the period of 1 month .....	1.00	1.00
Voucher No. 103		
For subscription to Journal and Enterprise for the period of 1 month .....	1.00	1.00
To The El Paso Herald-Post		
Voucher No. 56		
For subscription to the Herald-Post for 1 month .....	.65	.65
Voucher No. 112		
For subscription to the Herald-Post for 1 month .....	.65	.65
To The El Paso Times		
Voucher No. 113		
For subscription to the Times from Sept. 21, 1935 to Nov. 21, 1935 .....	1.30	1.30
To The Evening and Weekly Mirror		
Voucher No. 35		
For subscription to Evening Mirror for the period of one month .....	.40	.40
Voucher No. 107		
For subscription to Evening Mirror for the period of one month .....	.40	.40
To Express Publishing Company		
Voucher No. 5		
For classified advertising for bids on elevator construction .....	9.72	9.72
Voucher No. 71		
For seven subscriptions to the San Antonio Express for the period of one month (.75 each) .....	5.25	5.25
Voucher No. 143		
For seven subscriptions to the San Antonio Express for the period of one month (.75 each) .....	5.25	5.25

To The Ft. Worth Press		
Voucher No. 27 and Voucher No. 102		
For subscription to the Press for 1 month	.50	.50
For subscription to the Press for		
1 Oct. 18 to Nov. 18, 1935		
1 Sept. 17 to Nov. 17, 1935	1.50	1.50
To The Globe-News Publishing Co.		
Voucher No. 29		
For subscription to Daily News for 1 month	.75	.75
Voucher No. 101		
For subscription to Daily News for 1 month	.75	.75
To W. M. Hamilton & Sons		
Voucher No. 58		
For subscription to Palestine Herald for 1 month	.80	.80
Voucher No. 108		
For subscription to Palestine Herald for 1 month	.80	.80
To Herald-News Publishing Co., Inc.		
Voucher No. 57		
For subscription to Plainview Evening Herald for 1 month	.45	.45
Voucher No. 116		
For subscription to Plainview Evening Herald for 1 month	.45	.45
To Houston Post, Austin Agency		
Voucher No. 72		
For 6 subscriptions to Houston Post for 1 month	4.50	4.50
Voucher No. 132		
For 7 subscriptions to Houston Post for 1 month	5.25	5.25
To Houston Printing Company		
Voucher No. 6		
For classified advertising concerning bids for elevator construction	8.40	8.40
To Kee Lox Manufacturing Co.		
Voucher No. 19		
For 3 boxes 8½x14 carbon	1.80	
For 48 boxes 8½x11 carbon	22.56	
For 48 boxes 8½x14 carbon	28.80	53.16
Voucher No. 164		
For 48 boxes 8½x14 carbon	28.80	28.80
To Kerr		
Voucher No. 63		
For sprays	5.00	5.00
Voucher No. 124		
For two offerings (Wolters funeral)	17.50	17.50
To Kuhn Paint and Varnish Works		
Voucher No. 39		
For porters supplies	1.10	1.10
To Kuntz-Sternenberg Lumber Company		
Voucher No. 40		
For office repair	1.75	1.75
To The Laredo Times		
Voucher No. 33		
For subscription for 1 month	.65	.65

Voucher No. 109		
For subscription for 1 month.....	.65	.65
To D. R. Lillienstern—Dallas News Agent		
Voucher No. 76		
For 27 subscriptions to Dallas News for 1 month at 85c per month.....	22.95	22.95
Voucher No. 144		
For 26 subscriptions to Dallas News for 1 month at 85c per month.....	22.10	22.10
To C. J. Martin and Sons		
Voucher No. 41		
For porter supplies.....	8.00	8.00
Voucher No. 100		
For porter supplies.....	16.00	16.00
Voucher No. 150.....	7.50	7.50
To Senator Will M. Martin		
Voucher No. 20		
For expenses incurred while serving as a member of the Legislative Cotton Investigating Committee.....	141.21	141.21
To Carl Mayer Co.		
Voucher No. 51		
For repair on the Senate clock.....	5.00	5.00
To Miller Blue Print Co.		
Voucher No. 84		
For photostats of 35 letters for the Senate Investigating Committee.....	18.31	18.31
To Morton Manufacturing Company		
Voucher No. 157		
For porters supplies.....	25.56	25.56
To McKean-Eilers Co.		
Voucher No. 25		
For 4 boxes rubber bands.....	1.76	1.76
Voucher No. 78		
For 9 boxes rubber bands.....	3.96	3.96
Voucher No. 138		
For 1 piece American bunting (42).....	2.94	
For 1 piece American bunting (65).....	2.92	5.86
To Senator Will D. Pace		
Voucher No. 44		
For expenses incurred while serving as a member of the Legislative Cotton Investigating Committee.....	27.00	27.00
To Z. Pearson		
Voucher No. 66		
For 18 balls heavy hemp twine, No. 6		
18 balls 18 ply cotton twine		
50 M 5½x10½ gummed wrappers.....	71.90	71.90
To S. S. Pettus—Newspaper Agent		
Voucher No. 70		
For 8 subscriptions to Ft. Worth Star-Telegram for 1 month, 85c each.		
For 6 subscriptions to Houston Chronicle for 1 month, 75c each		
For 6 subscriptions to Houston Press for 1 month, 50c each.....	14.54	14.54

Voucher No. 134		
For 9 subscriptions to Ft. Worth Star-Telegram for 1 month, 85c each.		
For 8 subscriptions to Houston Chronicle for 1 month, 75c each		
For 6 subscriptions to Houston Press for 1 month, 50c each.		
For 2 subscriptions to Waco News-Tribune for 1 month, 65c each.....		
	17.95	17.95
To United States Postmaster, Austin, Texas		
Voucher No. 1		
For stamps and postage, First Called Session	1,000.00	1,000.00
Voucher No. 77		
For stamps and postage, First Called Session	1,000.00	1,000.00
Voucher No. 136		
For stamps and postage, Second Called Session .....	500.00	500.00
<p>At the close of the Regular Session of the Forty-fourth Legislature, the Senate had on hand in postage \$538.48, which was brought forward to the First Called Session. During the First and Second Called Sessions vouchers numbered 1, 77 and 136 were issued, making the total \$3,038.48. Of this amount \$2,768.05 in postage was issued to members and officers of the Senate; of the amount issued \$736.80 was used by the Mailing Clerk to mail out 2,000 copies of the Daily Journal to newspapers, officials, schools and other organizations and individuals who requested same through their Senators. Also of the amount issued \$94.88 was returned by Senators and Lieutenant Governor, Secretary of the Senate, each was given credit an the stamps and postage were placed back in stock, leaving a balance of \$1,936.37, which was used by the members of the Senate, Lieutenant Governor, Secretary of the Senate, Finance Committee and other committees of the Senate, including the Investigating Committee.</p> <p>Postage in the amount of \$365.31 is being carried forward to the next succeeding Session of the Senate.</p>		
Voucher No. 9		
For box rent for the Senate of Texas for the quarter beginning Oct. 1, 1935, and ending Dec. 31, 1935.....		
	3.00	3.00
To Postal Telegraph-Cable Company		
Voucher No. 97 .....	12.65	12.65
Voucher No. 159 .....	8.03	8.03
For telegrams sent and received by Senators, Lieutenant Governor and Secretary of the Senate during the First and Second Called Sessions of the Forty-fourth Legislature.		
To Railway Express Agency		
Voucher No. 16 .....	3.31	3.31
Voucher No. 67 .....	1.10	1.10



Voucher No. 166	44.66	44.66
For express charges on packages sent and received by Senators, Lieutenant Governor and Secretary of the Senate during the First and Second Called Session of the Forty-fourth Legislature.		
To Worth S. Ray, Attorney		
Voucher No. 123		
For 40 copies of Ray's Advance Session Laws	40.00	40.00
To Senator John S. Redditt		
Voucher No. 15		
For expenses incurred while serving as a member of the Cotton Investigating Committee	33.30	33.30
To Remington-Rand, Inc.		
Voucher No. 47		
For rent on the following typewriters:		
z282275r BC85745r		
288402 z269293		
188832 140659r		
289567r 6A203365-74-72-64-73-71		
266716r		
BE76587r		
for 1 month, Sept. 16, 1935 to Oct. 16, 1935	60.00	60.00
Voucher No. 126		
For rent on the following typewriters:		
z282275r BC85745r		
z289567r z269293		
z18832r Z140659r		
z266716r XR206355		
BE76587r NSLS 6A xr203365-72-64-73-71		
for 1 month, Oct. 16, 1935 to Nov. 16, 1935	56.00	56.00
To Renfro Drug Company		
Voucher No. 74		
For porter supplies	.40	.40
Voucher No. 90		
For porter supplies	2.25	2.25
To W. H. Richardson & Co.		
Voucher No. 42		
For porter supplies	.67	.67
To San Angelo Standard, Inc.		
Voucher No. 110		
For subscription to the Evening Standard for 1 month	.60	.60
To Swann-Schulle Furniture Co.		
Voucher No. 23		
For 1 Victor Duplex shade, 48x14	4.98	4.98
To Schuhmacher Company		
Voucher No. 64		
For porter supplies	4.50	4.50
Voucher No. 80		
For porter supplies	2.78	2.78
Voucher No. 137		
For porter supplies	27.20	27.20

To The Sherman Daily Democrat		
Voucher No. 34		
For subscription for 1 month.....	.65	.65
Voucher No. 114		
For subscription for 1 month.....	.65	.65
To Southwestern Bell Telephone Company		
Voucher No. 62 .....	118.29	118.29
Voucher No. 91 .....	795.17	795.17
Voucher No. 161 .....	796.70	796.70
Voucher No. 160 .....	5.15	5.15
For exchange service and for toll service to and from Senators, Lieutenant Governor, Secretary of the Senate and Committees of the Senate during the First and Second Called Sessions of the Forty-fourth Legis- lature.		
To The Southern Publishing Company		
Voucher No. 32		
For subscription to the Waco Times-Herald for the period of 1 month.....	.75	.75
To Charles Spreen		
Voucher No. 54		
For office supplies.....	2.00	2.00
To The Steck Company		
Voucher No. 17		
For 1 General fireproofing—cabinet.....	45.38	45.38
Voucher No. 22		
For 2 doz. Com. tablets, No. 439 ½.....	4.60	4.60
Voucher No. 79		
For letterheads and envelopes.....	29.50	
letterheads and envelopes.....	15.00	
letterheads and envelopes.....	170.00	214.50
Voucher No. 85		
For letterheads and envelopes.....	75.00	75.00
Voucher No. 96		
For envelopes and letterheads.....	29.50	29.50
Voucher No. 135		
For envelopes and letterheads.....	12.50	12.50
Voucher No. 139		
For 2-line rubber stamp.....	.39	
2000 letterheads and envelopes.....	30.00	
1000 letterheads and envelopes.....	14.50	
3 qr. No. 960 stencils.....	9.99	
2 doz. Staffords paste, 6 oz.....	6.20	
1 wire letter tray, No. 901.....	.15	
1200 No. 5220 manila folders.....	13.25	
4 doz. No. 6587 T.W. erasers.....	2.64	
3 doz. No. 1087 T.W. erasers.....	1.98	
8 card index files—Agate No. 93.....	4.08	
1 doz. Giant file boxes, letter.....	9.80	
1 Ideal scrap book, No. 11.....	.86	
2 doz. Easy clasp file boxes, letter.....	12.24	
4 qr. No. 960 stencils.....	13.32	
1 doz. Weis No. 35 index trays.....	5.20	
2 boxes Bates fasteners—2-inch.....	1.00	
2 boxes brass fasteners, 25R.....	1.98	
2 doz. No. 6587 T.W. erasers.....	1.32	
2 doz. clips, No. 2.....	1.80	
1 doz. clips, No. 4.....	1.80	
6 M Gem clips, No. 1.....	1.50	
6 M Gem clips, No. 3.....	1.50	

3 composition books, No. 23535.....	5.99
25 No. 1706 1¾ ex. nearleathereps.....	3.84
2 doz. key rings—Duplex.....	2.07
2 doz. loose leaf rings, No. inch dia.....	2.32
200 No. 4220 Manila folders.....	2.02
600 No. 5120 Manila folders.....	5.88
2 doz. Com. tablets, No. 429½.....	3.80
3 boxes thumb tacks.....	.84
30 M Hotchkiss No. 2A staples.....	3.45
6 No. 101 Handy Roll tape.....	1.03
3 Staffords No. 100 ink eradicator.....	.42
3 doz. bottles skrip blue ink, 2 oz.....	4.80
5 doz. No. HG 62 steno. note books.....	4.15
4 doz. Com. tablets, No. 4039.....	3.76
3 gro. Ticonderoga pencils, No. 482-2.....	10.38
1 gro. Mongol red pencils, No. 865.....	6.09
1 gro. Mongol blue pencils, No. 866.....	6.09
1 gro. steno. pencils, No. 596.....	3.46
1 gro. Spencerien pen points, No. 1.....	.92
6 bottles Typene, No. 1256.....	1.74
4 Staffords self-inking stamp pad.....	.64
1 qt. Sheaffers blue ink.....	1.00
1 qt. Sheaffers black ink.....	1.00
1 qt. Sheaffers No. 312 non-copying ink.....	.96
2 doz. bottles Sheaffers 2-oz. black.....	3.20
6 sets No. 575-25 alphabetical guide.....	7.62
3 doz. rolls pyramid pins.....	3.90
3 doz. No. 439½ com. tablets.....	6.90
5 doz. No. 4039½ com. tablets.....	7.80
6 No. 360 correction fluid.....	1.98
3 Staffords ink eradicator.....	.42
30 M Hotchkiss No. 2A staples.....	3.45
2 qts. Sheaffers black ink.....	2.00
2 doz. Sheaffers 4-oz. blue-black ink.....	5.20
10 M Gem paper clips, No. 1.....	2.50
10 M Gem paper clips, No. 3.....	2.50
4 wire letter trays—letter size.....	1.64
6 doz. steno. note books, HG 62.....	4.98
3 doz. steno. note books, HP 62.....	2.49
3 Staffords No. 100 ink eradicator.....	.42
12 sets No. 565-25 guides.....	12.96
1 Success calendar pad, No. 85.....	.88
1 3 compartment glass pin tray.....	.31
5 doz. No. HG-62 steno. note books.....	4.15
12 sets card guides, 3x5.....	2.28
6 boxes gummed labels, No. 2005.....	.62
1 gro. No. 596 steno. pencils.....	3.46
1 gro. No. 4034 com. tablets.....	3.38
6 boxes Dennison No. 2 index tabs.....	.62
3 B&P record books, No. 9—300 pages.....	4.06
1 B&P index book—150 pages.....	1.09
1 B&P account book, No. 9—150 pages.....	.88
6 qr. No. 960 mime. stencils.....	19.98
60 No. 13535 composition books.....	9.98
3 doz 2-inch loose leaf rings.....	2.49
2 doz. Staffords No. 144 white paste.....	6.20
6 pr. 10-inch scissors—Japan handle.....	8.28
2 doz. bottles Fil-Rite ink—2-oz.....	1.92
6 qr. No. 960 stencils.....	19.98
2 gro. Mongol pencils, No. 482-2.....	6.92
6 doz. Mongol pencils, No. 482-3.....	1.73

381.32

Voucher No. 142		
For 1 Jasper No. 502 steno. chair.....	11.90	
Letterheads and envelopes.....	24.00	35.90
Voucher No. 162		
For 6 gr. mimeotype stencils.....	19.98	
3 No. 360 correction fluid.....	.99	
6 gr. mimeotype stencils.....	19.98	
25 No. 1706 nearleather envelopes, 1 3/4.....	3.84	
25 No. 1706 nearleather envelopes, 3 1/2.....	4.32	
4 boxes No. 2004 gummed labels.....	.40	
4 boxes No. 2005 gummed labels.....	.40	
6 boxes Dennison No. 2 reinforcements.....	.42	
6 boxes No. 2 index tabs—plain.....	.60	
4 boxes No. 2 Bates fasteners.....	2.00	
2 doz. No. 6587 T.W. erasers.....	1.32	
2 boxes No. 23R brass fasteners.....	.30	
2 boxes No. 24R brass fasteners.....	.36	
2 boxes No. 26R brass fasteners.....	1.02	
2 boxes No. 27R brass fasteners.....	1.50	
2 boxes No. 28R brass fasteners.....	1.98	
2 Markwell stapling machines.....	6.40	
30 M Markwell staples size, No. RF.....	6.30	
2 doz. No. 23535 composition books.....	3.99	
5 doz. No. 4034 commercial tablets.....	1.55	
25 Nearleather envelopes, No. 1740—		
3 1/2.....	4.32	
200 No. 4220 Manila folders.....	2.02	
1 gro. No. 596 steno. pencils.....	3.46	
1 gro. Mongol pencils, No. 432-2.....	3.46	
6 boxes Dennison gummed labels, No.		
2005.....	.60	
2 doz. HP-62 steno. note books.....	1.66	
1 doz. Liberty transfer cases, No. 12.....	11.46	
5 doz. No. 4039 com. tablets.....	4.70	
2 doz. Hp-51 steno. note books.....	1.34	
3 doz. Hp-62 steno. note books.....	2.49	
5 doz. HG-62 steno. note books.....	4.15	
2 doz. Sheaffers blue ink—4-oz. ....	5.20	
8 Liberty transfer cases, No. 12.....	8.88	
5 Liberty transfer cases, No. 14.....	2.95	
2 doz. No. 12535 composition books.....	3.99	
4 Staffords No. 100 ink eradiator.....	.56	
4 Staffords No. 1524 stamp pad, ink.....	.72	
50 Nearleather envelopes No. 1706-3 1/2.....	8.64	
1 Hotchkiss No. 54 stapling machine.....	1.60	
5 M Hotchkiss No. 54 staples.....	.95	
1 box (50) gold notary seals No. 23.....	.24	
2 Ideal scrapbooks No. 11.....	1.73	
2 Ideal scrapbooks No. 11.....	1.73	
1 No. 3 Homespun chair cushion.....	.83	
1 Ideal scrapbook No. 11.....	.86	
10 M Gem clips No. 1.....	2.50	
6 No. 1256 Staffords typene.....	1.63	
1 gro. Mongol pencils No. 482-2.....	3.46	
6 doz. Mongol No. 866 red pencils.....	3.05	
1 1/2 doz. No. 1280 Staffords mucilage.....	3.27	
2 doz. No. 465 Staffords white paste.....	5.04	
4 doz. No. 4034 commercial tablets.....	1.24	
1 gro. No. 596 steno. pencils.....	3.46	
6 boxes No. 2 gummed reinforcements.....	.42	
4 dozen No. 6587 T. W. erasers.....	2.64	
Rent on Woodstock typewriter No.		
357035 from 10-28-35 to 11-15-35.....	2.37	185.27

To Vance Stockton		
Voucher No. 48		
For rent on 1 Underwood typewriter No. 1697434-10 for 1 mo. and 1 L. C. Smith No. 938049 for 1 mo. ....	8.00	8.00
Voucher No. 127		
For rent on 1 Underwood typewriter No. 1697434-10 for 1 mo. and 1 L. S. Smith No. 938049 for 1 mo. ....	8.00	8.00
To Temple Daily Telegram		
Voucher No. 28		
For subscription to the Temple Daily Telegram for 1 mo. ....	.60	.60
Voucher No. 104		
For subscription to the Temple Daily Telegram for 1 mo. ....	.60	.60
To Texarkana Newspapers, Inc.		
Voucher No. 26		
For subscription to the Texarkana Gazette for 1 mo. ....	.85	.85
Voucher No. 106		
For subscription to the Texarkana Gazette for 1 mo. ....	.85	.85
To Texas Book Store		
Voucher No. 73		
For rent on 6 typewriters used in the Senate for a period of 1 mo. ....	20.00	20.00
Voucher No. 125		
For rent on 8 typewriters used in the Senate for a period of 1 mo. ....	28.00	28.00
Voucher No. 153		
For 1 Winston Dictionary .....	3.50	3.50
To Tobin		
Voucher No. 10		
For sprays for Howard Funeral .....	15.50	15.50
Voucher No. 14		
For sprays and wreath for Duggan funeral....	26.00	26.00
To Texas School for the Blind		
Voucher No. 11		
For porter supplies .....	5.70	5.70
Voucher No. 53		
For porter supplies .....	.26	.26
To The Walter Tips Company		
Voucher No. 12		
For porter supplies .....	.89	.89
Voucher No. 52		
For porter supplies .....	.63	.63
Voucher No. 89		
For porter supplies .....	.92	.92
To the Times Herald Printing Co.		
Voucher No. 59		
For subscription to the Herald for the period of 1 mo. ....	.75	.75
To Underwood Typewriter Company, Inc.		
Voucher No. 94		
For rent on 34 typewriters used in the Senate from Sept. 16th to Oct. 16th, 1935 at \$4.00 each .....	136.00	136.00

Voucher No. 148		
For rent on 34 typewriters used in the Senate from Oct. 16th to Nov. 16th, 1935 at \$4.00 each .....	136.00	136.00
To Universal Bookbindery, Inc.		
Voucher No. 24		
For 500 sheets 8½x11—punched and round cornered .....	2.22	2.22
To Vernon Law Book Company		
Voucher No. 13		
For 1935 Texas statutes Annual Pocket parts, Pamphlet service, and vol. 1 .....	20.00	20.00
Voucher No. 61		
For 2 sets Texas statutes, 1928, 1932 and 1934 suppl. at 20.00 ea. spec. price .....	40.00	40.00
To Von Boeckmann-Jones Company		
Voucher No. 118		
For office supplies .....	.50	.50
To H. H. Voss Company		
Voucher No. 43		
For porter supplies .....	4.50	4.50
Voucher No. 65		
For porter supplies .....	20.32	20.32
To The Western Union Telegraph Company		
Voucher No. 3 .....	11.99	11.99
Voucher No. 8 .....	8.04	8.04
Voucher No. 75 .....	124.98	124.98
Voucher No. 92 .....	122.94	122.94
Voucher No. 146 .....	116.27	116.27
To H. P. Bickler		
Voucher No. 86		
For services as reporter at proceedings at Jessie Jones memorial, Oct. 7, 1935 and 12 pages transcript .....	16.00	16.00
To Joe S. Dunlap		
Voucher No. 115		
For subscription to San Antonio Light from Sept. 16, to Oct. 16, 1935 .....	.75	.75
Voucher No. 152		
For subscription to San Antonio Light from Oct. 16, to Nov. 16, 1935 .....	.75	.75
To W. W. Carter, Jr.		
Voucher No. 95		
For 1 M index cards, 10 reams 8½x14 (yellow), 20 reams yellow 8½x11, 20 reams 8½x14 bond, 20 reams 8½x11 bond .....	50.05	50.05
To A. C. Baldwin & Sons		
Voucher No. 168		
For 2600 copies of Daily Journal 13th day continued Nov. 14, 1935, pages 423 through pages 499 incl. ....	268.83	268.83
To the Steck Company		
Voucher No. 167		
For stationery .....	86.40	
For stationery .....	255.00	
For 200 No. 90 envelopes and No. 63 envelopes .....	4.65	346.05

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To the Cooper Company, Inc.

Voucher No. 169

For 120 yds. American bunting	4.80	4.80
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To the Capital Printing Company

Voucher No. 170

For 2,000 supply requisitions, 2,000 marginal rule sheets	6.81	6.81
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Total through Nov. 23, 1935	\$	14782.66
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A. W. HOLT, Sergeant-at-Arms.

**NOTARIES PUBLIC.**

The Secretary of the Senate reported to the Journal Clerk that the following nominations of the Governor to be Notaries Public in and for the various Counties for the remainder of 1935 and ending June 1, 1937, had been confirmed by the Senate in Executive Session.

**FOR THE REMAINDER OF 1935,**

**AND ENDING JUNE 1, 1937.**

**FIRST DISTRICT.****Bowie County.**

Mosley, Orby W.	DeKalb
Beck, Lenora B.	DeKalb
Whatley, W. H.	DeKalb
Heath, Mrs. Will B.	New Boston
Wade, Willene	Texarkana

**Cass County.**

Hudson, Faye	Linden
Hudson, G. D.	Linden
King, Phillip	Atlanta
Swint, B. W.	Douglassville
Oliver, Lillian	Atlanta
Patman, Elmer	Linden
Steger, J. C.	Linden
Glass, M. H.	Atlanta
Worthen, W. B.	Atlanta
Ritter, Reba	Linden
Carney, Hugh, Jr.	Atlanta
Cochran, Aline	Atlanta
Fouche, Dorothy	Atlanta
Guyton, D. W.	Queen City
Cameron, Burr S.	Linden
Johnson, Dena C.	Atlanta
Smith, Dorothy	Atlanta
Granberry, W. G.	Douglassville

**Marion County.**

Cunningham, G. C.	Jefferson
Dannelly, Elizabeth	Jefferson
Murray, T. S.	Jefferson
Davidson, Nedra	Jefferson
Durum, S. D.	Smithland
Rowell, Joe H.	Jefferson

**Titus County.**

Russell, Traylor	Mt. Pleasant
Harbison, Mrs. Lorena	Mt. Pleasant
Harwell, George M.	Mt. Pleasant
Beaty, Charles	Pittsburg
Player, Mabel	Mt. Pleasant

**SECOND DISTRICT.****Gregg County.**

Harper, Amos S.	Gladewater
Ingram, R. W.	Longview

Sammons, Geraldine	Gladewater
Alston, H. W.	Longview
Beeson, H. H.	Longview
Lewis, H. G., Jr.	Longview
Montgomery, Hazel	Longview
McCarthy, Mary	Longview
Spear, T. F.	Kilgore
Warren, Harry	Kilgore
Brown, Juanita	Kilgore
Owen, E. K.	Kilgore
Scarborough, Oscar L., Jr.	Kilgore
Shettle, W. E.	Gladewater
Sutton, J. E.	Longview
Evans, Elizabeth	Longview
Fenton, Charity	Kilgore
Greer, Effie	Kilgore
Houghlan, K. G.	Longview
Killingsworth, Myrtle	Longview
Owens, Ruby	Longview
Brittain, Rose	Longview
Davis, Wm. M.	Longview
Herrin, J. E., Jr.	Longview
Moseley, Julius B.	Longview
Sides, K. H.	Gladewater
Gibson, Merritt H.	Longview

**Harrison County.**

Etheridge, J. W.	Marshall
Lea, W. B.	Marshall
Lawson, Ramsey	Marshall
Irving E. A.	Marshall
Conaway, Ralph	Marshall
Craig, L. E.	Marshall

**Panola County.**

Renno, Peggie	Carthage
Shaw, M.	Carthage
Young, J. V.	Carthage
Boren, Edwin H.	Carthage
Johnson, Cecil	Henderson
Cassity, J. E.	Gary
Long, Elizabeth	Carthage
Thomas, Tot	Gary
Alsup, Mrs. Zela	Carthage
Chamness, Connie	Carthage

**Rusk County.**

Hargrove, Fletcher	Henderson
Wood, Geo. E.	Henderson
Friley, Mrs. Pat G.	Henderson
Wilson, Henry	Henderson
Burton, W. T.	Overton
Wood, Hall	Henderson
George, R. W. Jr.	Overton
Smith, Mrs. Lola	Tatum

**Shelby County.**

Allen, Richard H.	Timpson
Carroll, M. M.	Joaquin
Pinkston, Bob F.	Center
Smith, Helen	Center
Liem, W. H.	Center



Allen, Richard H. \_\_\_\_\_ Longview  
Crawford, J. N. \_\_\_\_\_ Timpson

**THIRD DISTRICT.****Angelina County.**

Hayes, Johnnie Mae \_\_\_\_\_ Manning  
Allbritton, Francis \_\_\_\_\_ Lufkin

**Cherokee County.**

Hill, W. L. \_\_\_\_\_ Rusk  
Carlton, J. T. \_\_\_\_\_ Jacksonville  
King, Mrs. A. L. \_\_\_\_\_ Rusk  
Etter, O. C. \_\_\_\_\_ Jacksonville

**Jasper County.**

Seale, Annie \_\_\_\_\_ Jasper  
Adams, Margie \_\_\_\_\_ Jasper

**Nacogdoches County.**

Campbell, M. B. \_\_\_\_\_ Sacul  
Smith, A. M. \_\_\_\_\_ Appleby  
Smith, W. Lee \_\_\_\_\_ Appleby  
Parmley, Marie \_\_\_\_\_ Nacogdoches  
Stripling, Z. T. \_\_\_\_\_ Etoile

**Sabine County.**

Chance, Truda \_\_\_\_\_ Hemphill  
Hunter, C. P., Jr. \_\_\_\_\_ Bronson  
Davidson, John \_\_\_\_\_ Bronson  
Wood, Hugh N. \_\_\_\_\_ Bronson

**San Augustine County.**

Teel, Wm. J. \_\_\_\_\_ San Augustine

**Tyler County.**

Adams, Wilma \_\_\_\_\_ Woodville  
Wickline, J. D. \_\_\_\_\_ Woodville

**FOURTH DISTRICT.****Hardin County.**

Hartel, A. J. \_\_\_\_\_ Sour Lake  
Simmons, Harry \_\_\_\_\_ Silsbee

**Jefferson County.**

Williams, Beth \_\_\_\_\_ Port Arthur  
Harrell, A. M. \_\_\_\_\_ Port Arthur  
Lindley, E. R. \_\_\_\_\_ Beaumont  
Bowdon, Betty \_\_\_\_\_ Port Arthur  
Hall, C. G. \_\_\_\_\_ Port Arthur  
Paggi, Will \_\_\_\_\_ Port Arthur  
Andrus, Audrey \_\_\_\_\_ Beaumont  
West, G. T. \_\_\_\_\_ Beaumont  
Wright, E. R. \_\_\_\_\_ Beaumont  
Wisong, Jos. A. \_\_\_\_\_ Beaumont  
Sims, Effie \_\_\_\_\_ Beaumont  
Edgerton, S. C. \_\_\_\_\_ Beaumont  
Shanefield, Lena \_\_\_\_\_ Port Arthur  
Ralph, Alma \_\_\_\_\_ Port Arthur

**Orange County.**

Arnold, Eloise \_\_\_\_\_ Orange  
Ferguson, Sally D. \_\_\_\_\_ Orange  
Masterson, George \_\_\_\_\_ Orange

**FIFTH DISTRICT.****Houston County.**

Hooper, Mrs. Johnnie Bea \_\_\_\_\_ Crockett  
Lusk, Leon \_\_\_\_\_ Crockett  
Satterwhite, Tenise \_\_\_\_\_ Crockett

**Leon County.**

Salzer, A. J. \_\_\_\_\_ Centerville

**Madison County.**

Mason, Ruth \_\_\_\_\_ Madisonville

**Montgomery County.**

Holt, Virginia \_\_\_\_\_ Conroe  
Creighton, Gerald J. \_\_\_\_\_ Conroe

**Polk County.**

Phillips, W. C. \_\_\_\_\_ Corrigan  
Sherman, Edwin \_\_\_\_\_ Corrigan  
Dawes, A. E. \_\_\_\_\_ Livingston

**Walker County.**

Atkinson, J. H. \_\_\_\_\_ Huntsville  
Mahoney, Jennie Lind \_\_\_\_\_ Huntsville

**SIXTH DISTRICT.****Anderson County.**

Wagoner, W. R. \_\_\_\_\_ Franston

**Freestone County.**

Scott, Mike \_\_\_\_\_ Fairfield  
Scott, Mikl \_\_\_\_\_ Fairfield

**Henderson County.**

Cole, Connie \_\_\_\_\_ Brownsboro  
Faulk, Thomas P., Jr. \_\_\_\_\_ Athens

**Kaufman County.**

Jahnes, Mr. Homer \_\_\_\_\_ Wills Point

**Navarro County.**

Gatlin, D. C. \_\_\_\_\_ Rice  
Coates, Avis K. \_\_\_\_\_ Kerens  
Reed, Lola J. \_\_\_\_\_ Angus  
Love, Alan C. \_\_\_\_\_ Corsicana  
Megarity, Jess \_\_\_\_\_ Corsicana

**SEVENTH DISTRICT.****Smith County.**

Geneva SeBring \_\_\_\_\_ Arp  
Bass, G. W. \_\_\_\_\_ Bullard

Watts, Louise ..... Tyler  
 Dulling, A. M. .... Arp  
 Giles, Evelyn ..... Arp  
 Halls, R. E. .... Arp  
 Stone, Van B. .... Troup  
 Butler, Murray ..... Tyler  
 Bradberry, Nell ..... Tyler  
 Dickson, H. L. .... Whitehouse  
 Beal, Merritt ..... Tyler  
 Bruck, Mrs. Leonard ..... Tyler  
 McClellan, Josephine ..... Tyler  
 Albertson, Dorothy Earle ..... Tyler  
 Bradshaw, Bobbye ..... Tyler  
 McCrary, C. H. .... Tyler  
 McElroy, Etta ..... Tyler  
 Puckett, R. L. .... Tyler  
 Moore, Anne ..... Tyler  
 White, A. A. .... Tyler  
 Horton, J. W. .... Tyler  
 Ball, E. V. .... Tyler  
 George, D. W. .... Tyler  
 Stembridge, James Maurice ..... Arp  
 Baker, Joe. H. .... Arp  
 Hines, J. A. .... Tyler  
 Lumpkin, Ben ..... Tyler  
 Barron, J. I. .... Tyler

**Upshur County.**

Todd, Josie M. .... Gilmer  
 Stephens, Marie ..... Gilmer  
 Wheeler, J. W. .... Gilmer

**Wood County.**

Owens, W. C. .... Mineola  
 Kitchens, David V. .... Mineola

**Van Zandt County.**

Robertson, M. O. .... Van  
 \*Dodson, J. Frank ..... Canton

**EIGHTH DISTRICT.****Hopkins County.**

Connor, Minnie Lee Sulphur Springs  
 Lanier, Norman B. .... Sulphur Springs

**Lamar County.**

Aikin, A. M. Jr. .... Parisk  
 Sharp, J. S. .... Paris  
 Wiggs, W. H. .... Paris  
 Vaught, W. E. .... Paris  
 Shipman, Maurice ..... Sumner  
 Bier, Joe ..... Paris

**Red River County.**

Reed, J. L. .... Clarksville  
 McCulloch, J. R. .... Clarksville  
 Lawson, C. R. .... Clarksville  
 Williams, Edith ..... Clarksville  
 Lovett, Ruth Williams ..... Clarksville

**NINTH DISTRICT.****Cooke County.**

Pennington, E. G. .... Gainsville  
 Townsley, Roger M. .... Myra

**Fannin County.**

Donaghey, J. H. .... Trenton  
 Johnson, B. K. .... Bonham

**Grayson County.**

Chapman, Elsie ..... Sherman  
 Handy, Lillian ..... Sherman  
 Moore, John Jr. .... Sherman  
 Terry, Hubert G. .... Sherman  
 Tolbert Jessie H. .... Sherman  
 Burnam, K. C. .... Tloga

**TENTH DISTRICT.****Collin County.**

Looper, Opal ..... McKinney  
 Smith, A. D. .... McKinney

**Hunt County.**

Patterson, Mary K. .... Greenville  
 Knox, Dell ..... Commerce  
 McMurray, John ..... Greenville  
 Noland, Pauline ..... Greenville  
 Covington, J. C., Jr. .... Greenville

**Rains County.**

Sybert, Earl ..... Emory

**Rockwall County.**

Irwin, C. B. .... Royse City

**ELEVENTH DISTRICT.****Dallas County.**

Post office address is Dallas, unless otherwise indicated.

Berryman, Minette ..... Waldrop  
 Mortgage Co., 4326 ½ Gaston Ave.  
 Churchill, Emma B. ....  
 First Nat'l Bk. Bldg.  
 Cook, R. H. .... 701 S. Ewing Ave.  
 Douglass, Harry .....  
 Fidelity Union Abstract & Title Co.  
 Fridge, Faye ..... 1028 Athletic Bldg.  
 Hamlett, Annie Lourt ..... care Don-  
 alson & Bullard Magnolia Bldg.  
 Heafer, J. R. ....  
 Dallas Bank & Trust Bldg.  
 MacMaster, T. P. .... care  
 G. L. Perkinson Rep. Bk. Bldg.  
 Moffitt, Evelyn ..... 4917 Terry Ave.  
 McCallum, T. F. .... 1921 Forest Ave.  
 Parker, Estelle Lowe .....  
 3406 Oak Lawn Ave.  
 Ransom, Ann ..... 2020 Main St.  
 Rorie, Corine ..... 510 Sunset St.  
 Russell, J. M. .... Box 426 Sinton Tex.  
 Schulz, Katherine .....  
 care E. D. Hurt Mercantile Bldg.  
 Shelton, W. W. ....  
 3448 Mockingbird Lane  
 Webb, Eliza Beatrice .....  
 408 Gulf States Life Bldg.  
 Wilson, Louis .....  
 408 Gulf States Life Bldg.

\*Was confirmed in First Called Session—Correction.

Baden, Mary...1121 Mercantile Bldg.  
 Booth, Maurine...care E. B. By-  
 num, 803-4 First Nat'y Bank Bldg.  
 Chambers, John F.  
 Box 39, Royalty, Ward County  
 Chenoweth, Clinton  
 509 W. Commerce St.  
 Cobb, L. L. 601 S. Ervay St.  
 Elliott, J. 701 Elm St.  
 Ferguson, W. B. Jr.  
 P. O. Box 1162 Dallas, Tex.  
 Gifford, F. Ralph...3018 Meadow St.  
 Granger, Mrs. Mable  
 1825 South Ewing  
 Hudnall, Morine...603 Rep. Bk. Bldg.  
 Hughes, Mrs. Hortenz B.  
 Turner, Rogers & Winn  
 Jaffe, Morris I. 1903 Rep. Bk. Bldg.  
 McConnell, H. N. 1202 Kirby Bldg.  
 McDowell, J. A.  
 509 W. Commerce St.  
 Porter, Louise...4522 Live Oak  
 Porterfield, W. W. 1707 1/2 Main St.  
 Ragle, Florence  
 702-4 Fidelity Bldg.  
 Sessions, Tom L. 603 Rep. Bk. Bldg.  
 Shepard, Connie 314 S. Harwood  
 Shultz, Gertrude...Fidelity Bldg.  
 Thompson, Mr. D. care  
 R. D. Hardy First Nat'l Bk. Bldg.  
 Blair, Bess care Re-  
 settlement Administration Office  
 Carter, Geraldine  
 623 North Texas Bldg.  
 Priddy, V. E. Meyer-Blanke Co.  
 Robertson, J. W.  
 222 Mercantile Bldg.  
 White, W. S.  
 Regional Office, Home Owners'  
 Loan Corp., Cotton Exchange Bldg.  
 Cook, W. D. 1601-11 S. Ervay  
 Pigg, Thelma 514 Fidelity Bldg.  
 Tarver, Betty  
 409 Dallas Bk. & Trust Bldg.  
 Zell, M. L. 1727 Second Ave.  
 Watson, Jonnie Mae 2021 Bennett  
 Beanland, G. M. 1218 First Nat'l  
 Bank, care Joe Boyd Service, Inc.  
 Boyd, Bob care Conly K.  
 Stevens, 621 Republic Bank Bldg.  
 Bullard, Jewel W. 850 Wilson Bldg.  
 Burch, A. M. Court and General  
 Reporting, 2nd Fl., Court House  
 Cobb, T. R. 4211 Cabell Drive  
 Dodd, Austin S. 416 Magnolia Bldg.  
 Edmondson, Jessebelle  
 101 1/2 N. Lancaster  
 Greenawalt, Bess 4915 Beaumont  
 Haley, Eleanor Ruth care Conly K.  
 Stevens, 621 Republic Bank Bldg.  
 Halleran, Marie  
 1211-16 Republic Nat'l Bank Bldg.

Morrison, J. F.  
 Texas Tourist Camp  
 Assn', 1206 First Nat'l Bank Bldg.  
 McClain, Marie 6143 Palo Pinto St.  
 Rapier, Delta care Emil  
 Corenbleth, 719-22 Linz Bldg.  
 Reid, Mrs. Irene 1208 Fidelity Bldg.  
 Roddey, Viola 6th  
 Fl., Second Unit, Santa Fe Bldg.  
 Snyder, Webster care Texas  
 Bond Reporter, Inc., Athletic Bldg.  
 Spencer, F. M. 134 S. Rosemont St.  
 Steger, Merit 201 Linz Bldg.  
 Stevenson, H. S.  
 3734 S. Lancaster St.  
 Watson, Delia Home Owner's  
 Loan Corp., Cotton Exch. Bldg.  
 Wilson, Kathryn 709 Linz Bldg.  
 Witt, Fay 1801 Allen Bldg.  
 Yonack, Felicia B. care Emil  
 Corenbleth, 719-22 Linz Bldg.  
 Wade, Leola 3600 Atlanta St.  
 Carter, Rosemary  
 Hall & Purse, 601 Elm St.  
 Carpenter, Thomas A. Dallas

## TWELFTH DISTRICT.

## Ellis County.

Hines, Geo. P. Ennis  
 McClain, L. H. Palmer

## Hill County.

Capps, Robert J. Covington  
 Whiteley, J. M. Hillsboro

## Johnson Connty.

Ince, (Doc) J. H. Cleburne

## THIRTEENTH DISTRICT.

## Falls County.

Williams, Neva Rt. 2, Kosse  
 Mitchell, Claude Rt. 1, Reagan

## Limestone County.

Steen, R. W. Groesbeck  
 Wroe, O. M. Groesbeck  
 Kelly, F. F. Mexia  
 Parish, Lucile Tehuacana

## McLennen County.

Janeke, A. W. West  
 Keesee, E. W. Waco  
 McGlasson, Lora Essie Waco  
 Roberts, G. J. Waco  
 Buldain, Frank Waco  
 Buldain, Louis Waco  
 Duffy, Mary Waco  
 McCowan, Travis Waco  
 Powell, J. T. Waco  
 Kirkpatrick, H. W. Waco

Bock, Kathleen ..... Waco  
 Vinson, L. J. .... Waco  
 Hopkins, Mrs. Evelyn ..... Waco  
 Jones, Harold H. .... Moody  
 Dutcher, Lyle C. .... Waco  
 Fannin, Keener Lee ..... Waco  
 O'Dowd, Everett H. .... Waco  
 O'Dowd, Milburn M. .... Waco  
 Small, Ray ..... Waco

**FOURTEENTH DISTRICT.****Brazos County.**

Kelley, I. N. .... Bryan  
 Kelley, I. N. .... Bryan  
 Minkert, J. Gary ..... Bryan  
 Whitley, Mrs. H. L. .... Bryan

**Burleson County.**

Jaehne, G. E. .... Caldwell  
 Jenkins, Miss Rose Marie ..... Caldwell  
 Perdue, Rose Marie ..... Caldwell

**Lee County.**

Kasper, Mrs. Ruth ..... Giddings

**FIFTEENTH DISTRICT.****Colorado County.**

Robinson, Otis Lee ..... Eagle Lake  
 Meismmer, J. E. .... Columbus  
 Wallace, K. W. .... Glidden  
 Frnka, Roxie ..... Columbus  
 Frnka, Evelyn ..... Columbus

**Fayette County.**

Matejovsky, A. G. .... Nechanitz

**Lavaca County.**

Fertsch, Marvin D. .... Hallettsville

**Waller County.**

Mitchell, L. E. .... Hempstead  
 Witte, Helen L. .... Hempstead

**SIXTEENTH DISTRICT.****Harris County.**

The post-office address is Houston,  
 unless otherwise indicated.

Hinton, Fannie .....  
 ..... Law Dept., Gulf Bldg.  
 Manhausen, J. C. .... Water Dept.  
 Secondaryne, L. .... 1112 Leeland Ave.  
 Smith, Inez .....  
 ..... care Diadem Oil Co., Sterling Bldg.  
 Fowler, Kathryn .....  
 ..... care Sun Oil Co., Esperson Bldg.  
 Donahue, Frank ..... 501 Esperson Bldg.  
 Gillman, F. J. ....  
 ..... care A. D. Sory Pontiac  
 Co., 1315-17 McKinney at Austin

Nowlin, Leora ..... 841 Rice Hotel  
 Whitefield, Alice ..... care Mrs.  
 B. Barrow, Judge K. C. Berk-  
 ley's Office, Criminal Courts Bldg.  
 Butler, M. J. .... 4302 Crites St.  
 Hornberger, R. E. .... 2512 Cenevert St.  
 McComie, J. R. .... 3307  
 Broadway Blvd. and Park Place  
 Tolar, Miss Della A. .... Houston  
 Arnold, Mary ..... care Thos.  
 Goggan & Bro., 1201 Main St.  
 Carnes, L. C. .... 6212 Harrisburg Blvd.  
 Drossos, J. A. .... 323 Shell Bldg.  
 Evans, Thelma A. .... 2806 Live Oak St.  
 Fellows, Mrs. C. A. .... Alameda  
 Harrington, Louise ..... Highlands  
 Krell, August, Jr. .... care Thos.  
 Goggan & Bro., 1201 Main St.  
 Morgan, A. W. .... care Texas  
 Relief Comm., P. O. Box 1163  
 Terry, C. J. .... 2223 Albans Road  
 Dagley, John M. .... 3118 Morrison St.  
 Schwabe, Ruby ..... 1901 Milam St.  
 Reinicke, Ben J. ....  
 ..... 327 Bankers Mortgage Bldg.  
 Vidrine, Milton ..... 421 N. Main St.  
 Weintraub, David ..... 2710 Rosedale  
 Worthy, L. K. ....  
 ..... care Humble Oil & Rfg. Co.  
 Fenlaw, B. S. ....  
 ..... 509 Second Nat'l Bank Bldg.  
 Follett, Alice M. .... care  
 C. B. Kloppe Co., Esperson Bldg.  
 Fuller, Susie ..... care Ken-  
 ley & Kenley, 1709 Sterling Bldg.  
 Kenley, Gorman ..... care Ken-  
 ley & Kenley, 1709 Sterling Bldg.  
 Ward, Hortense ..... Esperson Bldg.  
 Warfield, Sibyl ..... 1339 Allston St.  
 Willett, R. C. ....  
 ..... 509 Second Nat'l Bank Bldg.  
 Wood, L. I. ....  
 ..... 302 Bankers Mtge. Bldg.  
 Becker, E. H., Jr. ....  
 ..... 3809 McKinney Ave.  
 Bradburn, Ruth .....  
 Gulf States Security Life Ins. Co.  
 Brunette, R. B. ....  
 ..... 2901 Washington Ave.  
 Clepper, Evelyn ..... Harris Coun-  
 ty Relief Board, Hampshaw Bldg.  
 Kimpel, C. P. .... care Schir-  
 meyer & Kimpel, 304 Cotton Bldg.  
 Taylor, Glenn .....  
 ..... Glenn Taylor Lumber Co.  
 Wise, Harold G. ....  
 ..... First Municipal Secur-  
 ities Corp., Marine Bank Bldg.  
 Woolley, Fay .....  
 ..... 2002 Dismuke, P. O. Box 2451  
 Badeaux, Mrs. L. C., Jr. ....  
 ..... 836 First Nat'l Bank Bldg.  
 Bonner, Mrs. Anita ..... Goose Creek

Boring, L. F. .... care B. F. Winborn Realty Co., 932 Shell Bldg.  
 Boykin, John R. .... 2902 Wichita Ave.  
 Doney, L. C., Jr. .... care Mrs. Hortense Ward, 1st Nat'l Bank Bldg.  
 Hill, Mrs. Frances ..... Goose Creek  
 McCoy, P. W. .... 2917 Gulf Bldg.  
 Moore, Willie Lee .....  
 .... care Barrow Wade Guthrie & Co., 507 Nat'l Standard Bldg.  
 Sibley, Austine R. .... 1401 Fannin St.  
 Wells, J. G. .... 2324 Ruth Ave.  
 Cook, Mary E. .... 2315 Bolsover Road  
 Gartner, Kitty M. ....  
 .... Federal Land Bank of Houston  
 Hatcher, Clara M. .... 1810 Rusk Ave.  
 Hulon, K. ....  
 .... care Lone Star Finance Corp.  
 Martin, Herbert A. ....  
 .... 601 Union Nat'l Bank Bldg.  
 Treadway, Hazel ..... 427 Esperson Bldg.  
 Colman, I. B. ....  
 .... 1708 Travis St., Apt. No. 34  
 Cartwright, Joiner ..... Beaumont  
 Dunnam, Sam E., Jr. .... Esperson Bldg.  
 Hamblen, Hettie S. .... Scanlan Bldg.  
 Horton, Frank B. .... 1516 Branard St.  
 Kling, Miss Hazel ..... care Lockett & Foreman, 906-7 Sterling Bldg.  
 Miller, Mrs. T. H. ....  
 .... 915 Second Nat'l Bank Bldg.  
 Parham, W. H. .... care A. D. Sory  
 Pontiac Co., 1315-17 McKinney  
 Raymond, Billie ..... 3200 Main St.  
 Tippins, Ethel Mae .....  
 Suite 342, First Nat'l Bank Bldg.

**SEVENTEENTH DISTRICT.****Brazoria County.**

Martin, Mrs. Lillie Mae ..... Pearland  
 McGinty, Robt. F. .... Alvin

**Chambers County.**

Gregory, Sallie Grace ..... Anahuac  
 Miller, Edith ..... Anahuac  
 Watson, R. F. .... Wallisville  
 Harvey, Bob ..... Anahuac  
 Doggett, John R. .... Anahuac  
 Gregory, Grace ..... Anahuac

**Fort Bend County.**

Farmer, E. C. .... Richmond  
 Smith, Mrs. E. E. .... Rosenberg

**Galveson County.**

Schmucher, O. M. .... High Island  
 Bordeaux, Helen ..... La Marque  
 Darrow, Edna R. .... Friendswood  
 Darrow, George L. .... Friendswood  
 Stathos, Mrs. Frances ..... Galveston  
 Denkins, Arthur R. .... Galveston  
 DeLange, Frank W. .... Galveston

**Matagorda County.**

Barkley, H. N. .... Bay City  
 Jesse, W. F. .... Markham  
 McElveen, Myrtice ..... Bay City

**Wharton County.**

Anderson, Tommie J. .... Wharton  
 Dickinson, Elizabeth ..... El Campo  
 Walters, Agnes ..... Wharton

**EIGHTEENTH DISTRICT.****Atascosa County.**

Hunt, Ruth ..... Pleasanton

**Bee County.**

Steinmeyer, E. C. .... Tynan

**DeWitt County.**

Deaver, Ida ..... Cuero  
 Wendtland, Perry ..... Yoakum

**Live Oak County.**

Triplett, Chas. C. .... George West  
 Givens, G. W. .... George West

**Refugio County.**

Scott, Herndon ..... Refugio

**San Patricio County.**

Robinson, C. W. .... Ingleside  
 Rice, J. C. .... Aransas Pass  
 Arnold, O. A. .... Sinton  
 Russell, J. M. .... Sinton

**Victoria County.**

Green, Stanley E., Jr. .... Victoria  
 Bielstein, Lucile ..... Victoria

**Wilson County.**

Mumme, W. J. .... Saspamco  
 Davenport, Jennie ..... Floresville

**NINETEENTH DISTRICT.****Blanco County.**

Fulcher, James M. .... Blanco

**Caldwell County.**

Blunt, L. S. .... Lockhart  
 Pfeiffer, Henry ..... Lockhart

**Gonzales County.**

Bouldin, W. E. .... Gonzales

**Guadalupe County.**

Scrutchin, H. P., Jr. .... Staples

**TWENTIETH DISTRICT.****Burnet County.**

Reed, J. R. .... Burnet  
Warren, Madolyn ..... Bertram

**Lampasas County.**

Lowe, E. C. .... Lometa

**Llano County.**

Brame, Joe Bailey ..... Llano

**Travis County.**

Beavers, Ophelia ..... Austin  
Rumsey, A. T. .... Austin  
Seaholm, Ella ..... Austin  
Terry, Eunice ..... Austin  
Burrer, Mrs. Ora Lee ..... Austin  
Morales, Frank ..... Austin  
Starkey, Ned ..... Austin  
Elliott, Mrs. Emma K. .... Austin  
Harden, Gertrude C. .... Austin  
Holck, Manfred ..... Austin  
Joseph, Phillip L. .... Austin  
Aiken, A. E., Jr. .... Austin  
Bennett, Verda ..... Austin  
Mergeli, Vera ..... Austin  
Cordell, Margaret ..... Austin  
Forsvall, Loraine ..... Austin  
Harris, Althea ..... Austin  
Snead, E. R. .... Austin  
Ferrell, N. Avery ..... Austin  
Lawright, Mrs. M. F. .... Austin

**TWENTY-FIRST DISTRICT.****Bell County.**

Duke, Leland ..... Belton  
Tice, C. .... Temple  
Williamson, R. E. .... Temple

**Bosque County.**

McDonald, C. L. .... Meridian  
Fort, Vernie Lee ..... Clifton  
Burney, H. F. .... Evant

**Erath County.**

Main, C. R. .... Stephenville  
Dalton, Oran G. .... Dublin  
Pipes, Robert L. .... Dublin

**Hamilton County.**

Pool, J. B. .... Hico

**TWENTY-SECOND DISTRICT.****Denton County.**

Hoffman, Elizabeth ..... Denton

**Jack County.**

Kebelman, J. A. .... Jacksboro

**Montague County.**

Roberts, Paul D. .... Saint Jo  
Graham, Ethel ..... Bowie  
Dearmore, B. F. .... Spanish Fort

**Palo Pinto County.**

McConnell, J. Carroll ..... Palo Pinto  
Taylor, F. A. .... Palo Pinto  
Taylor, Sterling ..... Palo Pinto  
Logsdon, Cowger ..... Palo Pinto

**Parker County.**

Davis, W. C. (Wiley) ..... Weatherford

**Wise County.**

Culp, C. C. .... Decatur

**TWENTY-THIRD DISTRICT.****Baylor County.**

Henson, Mrs. Nell ..... Seymour

**Hardeman County.**

O'Dell, Carroll ..... Quanah  
Smith, Luther H. .... Quanah

**Wichita County.**

Greene, J. G. .... Wichita Falls  
Nicholson, Peggy ..... Wichita Falls  
Browning, Sylvia ..... Wichita Falls  
Longan, E. K. .... Wichita Falls  
Van Loh, Nelda ..... Burkburnett  
Mann, E. M. .... Wichita Falls  
Kale, Ella ..... Wichita Falls

**Wilbarger County.**

Rogers, W. Hy ..... Vernon

**Young County.**

Lisle, T. C. .... Graham  
Parsons, Jean ..... Graham

**TWENTY-FOURTH DISTRICT.****Callahan County.**

Montgomery, B. D. .... Cross Plains  
Parker, W. W. .... Oplin  
Vestal, E. I. .... Cross Plains

**Eastland County.**

House, H. R. .... Okra  
Jeffs, Mrs. Berenice ..... Gorman  
Curris, John A. .... Rt. 2, Cisco  
Grisham, N. E. .... Eastland  
Huey, J. P. .... Cisco  
Hicks, James G. .... Cisco

**Fisher County.**

McFatter, Mrs. Hallie R. .... McCaulley  
Brunson, J. F. .... Longworth

Dennis, L. \_\_\_\_\_ Rotan  
 Dozier, A. F. \_\_\_\_\_ Sylvester  
 Madden, H. W. \_\_\_\_\_ McCaulley  
 Marchant, R. L. \_\_\_\_\_  
 \_\_\_\_\_ Rt. 1 (Palava) Sweetwater  
 Parker, E. C. \_\_\_\_\_ Roby  
 Webb, G. T. \_\_\_\_\_  
 \_\_\_\_\_ Rt. 2 (Claytonville) Sweetwater  
 Williams, H. H. \_\_\_\_\_ Rotan

**Haskell County.**

Arrington, J. W. \_\_\_\_\_ Rule  
 Chamberlain, A. C. \_\_\_\_\_ Haskell  
 Tankersly, Cye \_\_\_\_\_ Rochester  
 Campbell, P. H. \_\_\_\_\_ Rule

**Jones County.**

Moore, J. H. \_\_\_\_\_ Hamlin  
 Williams, Lou \_\_\_\_\_ Tuxedo  
 Turner, Clee \_\_\_\_\_ Anson  
 Balze, L. E. \_\_\_\_\_ Tuxedo  
 Bledsoe, Ted \_\_\_\_\_ Hamlin  
 Brooks, George Q. \_\_\_\_\_ Anson  
 Clyburn, A. L. \_\_\_\_\_ Hawley  
 White, Vic \_\_\_\_\_ Anson  
 Moore, W. S. \_\_\_\_\_ Anson

**Mitchell County.**

Lambert, S. C. \_\_\_\_\_ Westbrook  
 Mann, R. W. \_\_\_\_\_ Colorado

**Nolan County.**

Ponder, W. E. \_\_\_\_\_ Sweetwater  
 Turner, Lester \_\_\_\_\_ Sweetwater  
 Blocker, V. \_\_\_\_\_ Roscoe  
 Kendrick, A. R. \_\_\_\_\_ Sweetwater  
 McCauley, J. M. \_\_\_\_\_ Roscoe  
 Reichardt, Mabel \_\_\_\_\_ Nolan  
 Scott, L. W. \_\_\_\_\_ Sweetwater

**Scurry County.**

Trane, O. P. \_\_\_\_\_ Snyder  
 Strobel, Ed. J. \_\_\_\_\_ Hermleigh  
 Houts, B. \_\_\_\_\_ Hermleigh

**Shackelford County.**

Brown, Berry \_\_\_\_\_ Albany  
 Dodson, Pauline \_\_\_\_\_ Albany

**Taylor County.**

Berry, E. J. \_\_\_\_\_ Abilene  
 Koehler, Bertha \_\_\_\_\_ Abilene  
 Maxwell, R. G. \_\_\_\_\_ Abilene  
 Estelle, J. L. \_\_\_\_\_ Abilene  
 Mitchell, T. A. Rt. 5 (Blair) Merkel  
 Scott, L. C. \_\_\_\_\_ Lawn  
 Toombs, J. M. \_\_\_\_\_ Merkel  
 Woodard, J. A. \_\_\_\_\_ Trent  
 Lewis, A. B. \_\_\_\_\_ Abilene  
 Dunn, Laurell N. \_\_\_\_\_ Abilene  
 Weir, T. C. \_\_\_\_\_ Abilene

**Throckmorton County.**

Little, O. T. \_\_\_\_\_ Woodson

**TWENTY-FIFTH DISTRICT.****Brown County.**

Yarbrough, L. N. \_\_\_\_\_ Bangs  
 Cauthorn, Joe \_\_\_\_\_ Brownwood

**Coleman County.**

Baker, W. B. \_\_\_\_\_ Coleman  
 Crump, L. M. \_\_\_\_\_ Coleman

**Coke County.**

McQueen, A. F. \_\_\_\_\_ Bronte  
 Wallace, S. G. \_\_\_\_\_ Robert Lee

**Concho County.**

Smith, C. R. \_\_\_\_\_ Paint Rock

**Gillespie County.**

Henke, Sidney M. \_\_\_\_\_ Fredericksburg

**Irion County.**

Harkey, Joe \_\_\_\_\_ Sherwood

**Mason County.**

Grote, Maybelle C. \_\_\_\_\_ Mason

**McCulloch County.**

Price, W. E. \_\_\_\_\_ Brady  
 Lawler, Norman Swain, Jr. \_\_\_\_\_ Brady

**Runnels County.**

Wilson, C. H. \_\_\_\_\_ Winters  
 Poe, Marguerite \_\_\_\_\_ Winters

**Tom Green County.**

Coleman, L. \_\_\_\_\_ San Angelo  
 Foster, Jess S. (Mrs. W. L.) \_\_\_\_\_  
 \_\_\_\_\_ San Angelo  
 Bowen, Dave \_\_\_\_\_ San Angelo  
 McKinley, Vera \_\_\_\_\_ San Angelo  
 Vann, Grace \_\_\_\_\_ San Angelo

**TWENTY-SIXTH DISTRICT.****Bexar County.**

Post-office address is San Antonio  
 unless otherwise indicated.

Morsey, Mrs. Eileen \_\_\_\_\_ San Antonio  
 Woods, H. A. \_\_\_\_\_ care Crim-  
 inal District Court, Court House  
 Ankrom, Francis S. \_\_\_\_\_  
 \_\_\_\_\_ 429 N. St. Marys St.  
 Ayala, Manuel, Jr. \_\_\_\_\_ Berg's Mill  
 Bailey, E. R. \_\_\_\_\_ 1020 S. Flores St.

Bauers, Dorothy.....183 Hancock Road, Fort Sam Houston  
 Bayly, Thelma.....care Victor Keller, Maverick Bldg.  
 Brooks, Geo. P.....243 Laclede  
 Coggin, A. T.....Bexar County Tax Collector's Office  
 Frazer, Audrey.....530 Peck Ave.  
 Garcia, Magdalena.....

.....2208 W. Commerce St.  
 Gassman, Emanuel.....629 Gunter Bldg.  
 Gomez, Joe M.....914 W. Poplar St.  
 Gutierrez, Edwardo B.....

.....Rt. 1, Box 148  
 Henley, T. P.....

.....901 Smith-Young Tower  
 Henry, Lucile.....care Liberty Mills  
 Hill, John Robert.....906 Grayson St.  
 Koethe, J. Fred.....1404 W. Martin St.  
 Lipscomb, Prentiss I.....P. O. Box 321  
 McCaughn, Viola.....1011 Broadway  
 Mangum, Thelma.....

.....920-23 Milam Bldg.  
 Palm, Ellaoise.....Gunter Office Bldg.  
 Potter, Helen.....

Bexar County Tax Collector's Office  
 Potter, Mrs. Mary M.....Terrell Wells  
 Richards, Mae.....

.....care Donald O'neil & Co.  
 Young, F. R.....2017 N. Flores St.  
 Mrs. Lucille Iglehart.....

.....care Libery Mills

Spangler, Levi.....  
 care Pruitt Commission Co., Inc.  
 Pierce, H. M.....P. O. Box 1101  
 Miller, Jaynee.....

1333 S. Flores St.; P. O. Box 1093  
 Uroda, Mary 1812 Alamo Nat'l Bldg.  
 Hill, John Robert.....906 Grayson St.

#### Bandera County.

Swinney, W. C.....Medina

#### Kerr County.

Saenger, A. A.....Kerrville

#### TWENTY-SEVENTH DISTRICT

##### Cameron County.

Cartmell, E. P.....La Feria  
 Pope, Laura.....Brownsville  
 Weller, Mary D.....Brownsville  
 Wilson, Dovie.....Harlingen  
 Palmer, W. Hall.....Los Fresnos  
 Asbury, Laura.....Brownsville  
 Browne, A. A.....Brownsville  
 Rushing, R. B.....Harlingen  
 Klahn, Sabas.....Brownsville

##### Hidalgo County.

Howze, M. J.....Mercedes  
 Graham, W. H.....McAllen  
 Russell, L. B., Jr.....Edinburg

Alamia, A. J.....Edinburg  
 Cramer, A. L.....Edinburg  
 Garza, E. C.....Edinburg  
 Herbst, F. T.....Edinburg  
 Hughes, W. H.....Edinburg  
 Johnson, Guy L.....McAllen  
 Lowe, D. P.....Weslaco  
 Rogers, Kate L.....Edinburg  
 True, W. K.....McAllen

#### LaSalle County.

McMains, Ida E.....Cotulla

#### Nueces County.

Downey, Marguerite.....Corpus Christi  
 Fisher, James.....Corpus Christi  
 Gerdes, Cathryn.....Corpus Christi  
 Gonzalez, Pablo.....Corpus Christi  
 Hankens, Mary Grace.....Corpus Christi  
 Highsmith, Catherine.....Corpus Christi  
 Morgan, Arnold O.....Corpus Christi  
 Penman, Anne.....Corpus Christi  
 Ray, Geraldine.....Corpus Christi  
 Stubbs, Mary.....Corpus Christi  
 Erwin, A. C.....Corpus Christi  
 Erwin, Elizabeth E.....Corpus Christi  
 Erwin, Robert W.....Corpus Christi  
 McCool, W. W.....Corpus Christi  
 Marshall, L.....Corpus Christi  
 Porcher, George.....Corpus Christi

#### Webb County.

Sanchez, N. M.....Laredo

#### TWENTY-EIGHTH DISTRICT.

##### Tarrant County.

Post-office address is Fort Worth,  
 unless otherwise indicated.

Berg, Wm. M.....970 E. Humbolt St.  
 Cox, Azalie.....

.....1101 W. Rio Grande Ave.

Day, M. M.....1728 N. Enderly Place

King, M. S.....care Haltom's

McDonald, Mrs. Dorothy.....

.....Union Bank & Trust Co.

Morris, Joanna.....414 T. & P. Bldg.

Schmidt, Mamie L.....

.....1607 Vaughn Blvd.

Sister Mary Evelyn (Jungels).....

.....care Our Lady of Vic-

tory Academy, 3410 Memphill St.

Thompson, Ruby Evelyn.....

.....City-County Hospital

White, Clarence A.....250 W. 15th St.

Youngblood, J. W.....

3940 Calmont St.; Rt. 5, Box 74

Birdsong, W. W.....407 Moore Bldg.

Ruland, Marion.....care Drs. Trigg

& Trigg, First Nat'l Bank Bldg.

Brady, R. A.....1508 Houston St.



Carter, Pearl.....  
 care R. A. Brady, 1508 Houston St.  
 Beck, Mabel.....  
 ....902 Ft. Worth Nat'l Bank Bldg.  
 Blevins, Mary Ruth.....  
 ....620 N. Sylvania Ave.  
 Brady, J. S.....203 S. Main  
 Brooks, Louise C.....  
 ....101 Exchange Bldg.  
 Ford, E. L.....817 N. Main St.  
 Green, Mrs. Eunice.....Ringside Club  
 Jenkins, Nina Ruth.....  
 ....408 First Nat'l Bank Bldg.  
 Johnson, Virginia L.....425 S. Lake St.  
 Kelley, S. M.....  
 ....811 Texas Nat'l Bank Bldg.  
 Kelly, Ras.....817 N. Main St.  
 McFrancis, Mrs. Maude.....  
 ....City-County Hospital  
 Murray, Lucile.....  
 ....825 W. Rio Grande Ave.  
 Nathan, Anna.....  
 ....1003 Burke Burnett Bldg.  
 Porter, Mrs. Charlotte H.....  
 ....2307 McKinley St.  
 Apetz, Mrs. Bernice.....care Major  
 W. R. Apetz, 200 Majestic Bldg.  
 Bengé, A. C.....Arlington  
 Johnson, Elizabeth.....  
 ....care Frank A. Ogil-  
 vie, Ft. Worth Nat'l Bank Bldg.  
 Johnson, Frances.....1607 Grand Ave.  
 Mirick, Mary.....4805 Washburn St.  
 Roberts, I. Frank.....312 Hemphill St.

**TWENTY-NINTH DISTRICT.****Culberson County.**

Breedlove, R. F.....Van Horn

**Ector County.**

Hodge, Mrs. L. L.....Odessa  
 Hodge, L. L.....Odessa  
 Liles, Mrs. Helen M.....Odessa

**Edwards County.**

Suttles, Kathreen.....Rocksprings

**El Paso County.**

Sharp, L. O.....El Paso  
 Stoddard, William, Sr.....El Paso  
 Poe, D. M.....El Paso  
 Delaney, J. F.....El Paso  
 Smith, G. C.....El Paso  
 Taylor, Lynette.....El Paso  
 Cate, Ethel.....El Paso  
 Pumphrey, Edward A.....El Paso

**Midland County.**

Gilpin, R. I.....Midland  
 Sealy, Tom.....Midland  
 Spaw, B. H.....Midland

**Pecos County.**

Brannon, Hortense.....Ft. Stockton

**Presidio County.**

Mattes, E. L.....Presidio

**Upton County.**

Chanslor, R.....McCamey

**Uvalde County.**

Ragsdale, Virginia.....Uvalde  
 Nuckles, Ruth.....Sabinal

**Val Verde County.**

Steile, Cuss B.....Del Rio  
 Cochran, Floy.....Del Rio  
 Walker, Milford S.....Del Rio

**Ward County.**

Morgan, William Hubert.....Monahans  
 Kendall, P. L.....Monahans  
 Cardin, D. F.....Monahans

**Winkler County.**

Reynolds, H. L.....Kermit

**THIRTIETH DISTRICT.****Andrews County.**

Williams, J. P.....Andrews

**Cochran County.**

Connel, Mrs. M. A.....Morton

**Dawson County.**

Barnard, A. G.....Lamesa  
 McDonald, R. M.....Lamesa  
 Normand, O. B.....Lamesa  
 Small, Myrtle.....Lamesa  
 Boardman, R. J.....Lamesa  
 Bishop, Horace C.....Lamesa  
 Tinsley, E. R., Jr.....Lamesa  
 McClendon, Madge.....Lamesa  
 Shackelford, J. D.....Ackerly  
 Coleman, J. W.....Ackerly

**Dickens County.**

Goldstein, William, Jr.....Spur  
 Sanders, Juanita.....Spur  
 Berry, Mrs. Neta.....Spur

**Floyd County.**

Grimes, W. E.....Floydada

**Gaines County.**

Duff, A. L., Jr.....Seminole  
 Webb, Joe H.....Seagraves

<b>Garza County.</b>		<b>Carson County.</b>	
Tucker, R. B.	Post	Pennington, F. W.	Panhandle
<b>Hale County.</b>		<b>Childress County.</b>	
Kent, Rev. L. E.	Cotton Center	Dryden, W. B.	Childress
Risinger, Mrs. R. E.	Abernathy	Alexander, Ruth	Childress
<b>Howard County.</b>		<b>Deaf Smith County.</b>	
Whittington, V. A.	Big Spring	Woodford, L. H.	Hereford
Davenport, E. G.	Big Spring	<b>Hansford County.</b>	
Holton, Mae	Big Spring	Thoreson, Grace	
Carpenter, Henry	Big Spring	Ragland, Vactor L.	
Holton, May	Big Spring	<b>Hemphill County.</b>	
Smith, Sidney	Big Spring	Richardson, Marjorie	Canadian
Lloyd, A. J.	Knott	<b>Hutchinson County.</b>	
Gay, Ruth	Big Spring	Morris, Mildred	Borger
Simpson, A. B.	Gall Rt, Big Spring	Bryan, Ona	Stinnett
Blake, Florence	Big Spring	Miller, A. B.	Stinnett
Greene, Eunice	Big Spring	Miller, W. A.	Stinnett
Singleton, W. S.	Big Spring	McDaniel, Elizabeth S.	Borger
<b>Kent County.</b>		<b>Gray County.</b>	
Williams, C. Ray	Girard	Stevenson, Jos. R.	Pampa
Kelley, C. R.	Jayton	Miller, Emmett R.	Pampa
<b>Lamb County.</b>		McFarlane, S. C.	Pampa
Elms, J. C.	Littlefield	McCallister, Clotille	Pampa
Hawkins, Donald	Earth	Darden, John	Pampa
Montgomery, Lillie Mae	Littlefield	Sutherlin, Audrey	Pampa
<b>Lubbock County.</b>		<b>Oldham County.</b>	
Eubank, Glenn	Idalou	Mosteller, Buster	Adrain
Gunnels, Aubrey A.	Lubbock	Chapman, E. C.	Adrian
Houghton, Bennie	Lubbock	Calhoun, O. G.	Adrian
Hollingsworth, C. J.	Lubbock	<b>Parmer County.</b>	
Lawson, Clarice	Lubbock	Norris, Beulah	Farwell
Odom, A. G.	Lubbock	Graham, Benton, Jr.	Farwell
Read, Chas. H.	Lubbock	<b>Potter County.</b>	
West, Celia	Lubbock	McKirahan, Virginia	Camarillo
Weaver, H. F.	Lubbock	George, Mrs. Jessie	Amarillo
Settle, J. Doyle	Lubbock	Coss, G. M.	Amarillo
<b>Lynn County.</b>		Kern, I. P.	Amarillo
Tadlock, W. A.	Wilson	<b>Swisher County.</b>	
<b>Terry County.</b>		Robb, T. J.	Tulia
Plemons, Bill	Meadow	<b>Wheeler County.</b>	
<b>THIRTY-FIRST DISTRICT.</b>		Rock, L. E.	Shamrock
<b>Briscoe County.</b>			
Honea, Mrs. Jessie	Silverton		